# INTERNATIONAL CONFERENCE ON PALESTINE REFUGEES

*organized by*
*the Committee on the Exercise of the Inalienable Rights of the Palestinian People*
*in cooperation with*
*the Organization of the Islamic Conference and the League of Arab States*

UNESCO Headquarters, Paris
26 and 27 April 2000

United Nations, New York

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## I. INTRODUCTION

The International Conference on Palestine Refugees was organized by the Committee on the Exercise of the Inalienable Rights of the Palestinian People in cooperation with the Organization of the Islamic Conference and the League of Arab States. The Conference was held at the Headquarters of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris on 26 and 27 April 2000.

The purpose of the Conference was to provide information on the current situation of the Palestine refugees and to examine the role of the United Nations in finding a just solution to the refugee issue. The Conference provided for an in-depth analysis of the Palestine refugee issue in the context of the current Middle East peace process. Its aim was to promote concerted political and other action in support of a lasting solution of the Palestine refugee problem in accordance with international legitimacy, as a prerequisite for a comprehensive, just and lasting peace in the Middle East.

The Conference consisted of an opening session, three plenary sessions in which invited experts made presentations, and a closing session.

The Conference was attended by representatives of 58 Governments, Palestine, 3 intergovernmental organizations, 4 United Nations bodies and agencies, and 38 non-governmental organizations. It was also attended by delegations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, headed by Bruno Eduardo Rodríguez Parrilla, Vice-Chairman of the Committee; the Organization of the Islamic Conference, headed by Azzedine Laraki, Secretary-General; and the League of Arab States, headed by Said Kamal, Under-Secretary-General. Presentations were made by 16 experts, including Palestinians and Israelis. Each plenary session included a discussion period open to all participants.

The opening session of the Conference was attended by Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization and President of the Palestinian Authority. In addition to the statements by the co-sponsors of the Conference, by Palestine and by UNESCO, statements were made by the following Governments: Oman of behalf of the Arab Group, South Africa on behalf of the Movement of Non-Aligned Countries, France, Indonesia, China, Ukraine, Italy and Egypt.

At the closing session, the Chairman of the Conference read out the Concluding Remarks of the Organizers, summarizing the main points of the deliberations.

The present report contains the full text of the statements by the speakers in the opening session in accordance with the programme and the papers presented by the experts during the three plenary sessions. The Concluding Remarks of the Organizers are reprinted in full in section VI of this report.

## II. OPENING SESSION

### KOFI ANNAN

Secretary-General of the United Nations
(Message to the Conference delivered by Kieran Prendergast,
Under-Secretary-General for Political Affairs)

It gives me pleasure to convey my greetings to all the participants in this International Conference on Palestine Refugees, which has been organized by the Committee on the Exercise of the Inalienable Rights of the Palestinian People in cooperation with the Organization of the Islamic Conference and the League of Arab States. This is the second conference organized by these three bodies on issues relating to the question of Palestine, and as such is another example of the partnership that has developed among our organizations, as called for in General Assembly resolutions. I would like to thank the Organization of the Islamic Conference and the League of Arab States for sharing the costs, and the Director-General of UNESCO for the considerable assistance provided by his staff to the United Nations Secretariat.

This event is being held at a time when the Israeli Palestinian peace negotiations are at a very delicate stage. The parties appear to be bridging some of the gaps on a number of interim and longer-term issues. There is also genuine determination on both sides to bring the negotiations to fruition. The resumption, in March, of the permanent status negotiations was a welcome step in that direction. Once again, I call upon the parties not to ease up in their efforts to resolve differences. I urge them to move the peace process forward -- towards the framework and final settlement agreements in May and September of this year, and towards the achievement of a comprehensive, just and lasting peace in the Middle East based on Security Council resolutions 242 (1967) and 338 (1973).

The negotiators face an array of very difficult and divisive issues -- Jerusalem, borders, settlements and water resources. Among them is the plight of more than 3 million Palestine refugees, which has been a major humanitarian and security concern for more than half a century; has had regional repercussions; and is central to the question of Palestine. Indeed, a sustainable peace in the entire region will have to factor in a viable solution to the refugee situation, as underscored in relevant United Nations resolutions.

The United Nations remains as committed as ever to this objective. The General Assembly has repeatedly stressed the need for resolving the problem in conformity with its resolution 194 (III) of 1948, and more than 50 years ago entrusted the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) with the task of providing relief assistance to Palestine refugees. Today, UNRWA is the longest-running relief endeavour ever undertaken by the United Nations. It has been the principal source of humanitarian assistance for millions of Palestinians. It has provided them with basic social services, schooling and health care. And it has been an important source of stability. Despite such contributions, UNRWA has been beset in recent years by deep and recurrent financial problems. I call upon donors to continue to assist UNRWA so that it can continue to deliver the level of services that refugees require. I would also like to express my gratitude to those Governments -- including Egypt, Jordan, Lebanon and the Syrian Arab Republic -- that have hosted refugees and closely cooperated with UNRWA over the years.

As the parties close in on the critical transitional issues, they will continue to require support from the international community. I recently appointed Mr. Terje Rød-Larsen of Norway - who had been closely involved in the peace process - as United Nations Special Coordinator for the Middle East Peace Process and as my Personal Representative to the Palestine Liberation Organization and the Palestinian Authority. He is working closely with the various parties in an effort to ensure that the varied assistance provided by the United Nations -- its development support, its peacekeeping operations, its political support -- is more effective and efficient.

The peace process in the Middle East is reaching a dramatic point. The parties have travelled a long way, but much remains to be achieved. We cannot allow despair and frustration to set in and upset all that has been accomplished thus far. A concerted effort is needed to clear the remaining roadblocks. In that spirit, I call upon all sides to redouble their efforts and to move the negotiations ahead in accordance with the agreed timetable. This Conference, by focusing on a key part of the picture, will no doubt make a valuable contribution. On behalf of the United Nations, I offer to you my best wishes for a successful conference.

## BRUNO RODRÍGUEZ PARRILLA

Vice-Chairman
Committee on the Exercise of the Inalienable Rights
of the Palestinian People

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I take great pleasure in welcoming all the distinguished participants and eminent guests who have graciously accepted our invitation to come to Paris to attend the International Conference on Palestine Refugees.

I would like to express our deep gratitude to the many envoys, representatives of Governments, intergovernmental organizations, United Nations bodies and NGOs who have accepted our invitation to participate in this conference. Their presence here testifies to the high priority, that the international community attaches to the achievement of a comprehensive, just and lasting settlement of the question of Palestine. The large attendance today also reflects the profound concern of the international community for the plight of Palestine refugees and its firm desire to support and promote the Israeli-Palestinian peace process.

Allow me also to convey our deep appreciation to His Excellency Mr. Koichiro Matsuura, Director-General of UNESCO, for extending assistance in the preparations for the Conference, as well as for making available the conference facilities for this occasion.

We are meeting today against the backdrop of intensive negotiations between Israelis and Palestinians on the permanent status issues. Since the 1991 Madrid Peace Conference, the parties have travelled a long way. The negotiating process has been difficult and challenging. In recent months, the parties have made additional headway. On the table now are issues of major import to both sides that will determine their relations for years to come. The future of some 3.6 million Palestine refugees scattered throughout Middle East and beyond is among the issues that are being addressed in the context of the final settlement negotiations. A humanitarian problem of unprecedented proportions, this issue is the most complicated and painful of all permanent status issues. It is also five decades old - as old, in fact, as the Arab-Israeli conflict itself.

As the parties are locked in on the permanent status issues, we have come here to reflect on the refugee issue - this exceedingly difficult and multilevel problem. We shall hear views on the present and the future of Palestine refugees, their place in the current peace efforts and the role and responsibility of the international community in that regard. Generations of Palestinians have grown up as refugees living in camps or under occupation, many away from their homeland, denied their right to self-determination, with bleak economic prospects, their freedom of movement restricted, families torn apart, their hopes for the future dependent on the outside world.

The question of Palestine refugees is, arguably, the most difficult and sensitive permanent status issue, as it involves the lives of millions of people. It is a nexus of political, economic, emotional, moral and technical complexities. It is abundantly clear that there is no simple solution to this problem. Along with Jerusalem, settlements, borders and water-sharing, the refugee issue is a major remaining one between Israelis and Palestinians. If this problem is not approached with due care and patience, if it is not resolved fairly and in accordance with norms of international law, more Palestinian lives will be ruined, frustration and mistrust will set in again and the potential for peace and stability in the region will be seriously jeopardized.

The United Nations has been involved in the various aspects of the refugee problem since 1948. Following the outbreak of hostilities in 1947-1948, thousands of Palestinians left their homes and property and became refugees in the neighbouring Arab countries or elsewhere. Throughout the years, the United Nations General Assembly and Security Council have addressed the question of Palestine refugees and displaced persons in scores of resolutions. The most important and specific among them are General Assembly resolutions 212 (III) of 19 November 1948 - the first resolution on providing assistance to Palestine refugees; 194 (III) of 11 December 1948 - establishing the United Nations Conciliation Commission for Palestine (UNCCP); 302 (IV) of 8 December 1949 - establishing the United

Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA); and Security Council resolutions 237 (1967) and 242 (1967). All of them are absolutely essential to understanding the roots and the magnitude of the problem and to trying to find a viable solution to it. Allow me to quote and refresh in our memory paragraph 11 of resolution 194 (III), which, in my view, is its most telling and poignant part:

> "*The General Assembly*,
>
> "...
>
> "11. *Resolves* that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible;
>
> "..."

It is precisely because of the aforesaid that this resolution has always stood out in a long list of United Nations resolutions pertaining to the question of Palestine refugees. It derived its importance primarily from the fact that it established the right of peaceful return of the refugees to their homes - a right that has been reaffirmed annually since. This position of principle of the General Assembly should be constantly kept in mind in any present or future efforts aimed at resolving this difficult and emotional problem. By its landmark resolution 3236 (XXIX) of 22 November 1974, the General Assembly reaffirmed and spelled out the inalienable rights of the Palestinian people as the right to self-determination without external interference; the right to national independence and sovereignty; and the right of Palestinians to return to their homes and property from which they had been displaced. The Committee strongly believes that the United Nations should continue to have the permanent responsibility towards all the aspects of the question of Palestine, including the problem of Palestine refugees, until it is resolved in conformity with relevant United Nations resolutions and in accordance with international legitimacy. I am confident that, in the course of our deliberations, many of our distinguished participants will be elaborating on the significance of these and other United Nations resolutions and on how they have affected and will affect the plight of Palestine refugees and displaced persons and their right of return.

The Committee, which I have the honour to represent, was established by the General Assembly in 1975 specifically to recommend a programme designed to enable the Palestinian people to exercise its inalienable rights. In its very first report to the General Assembly submitted early in 1976, the Committee, among other things, put into sharp focus the question of Palestine refugees and their inalienable right of return to their homes and property. It is universally acknowledged that the right of return is the core of the refugee problem. On numerous occasions since the establishment of the Committee, it has been discussed at international meetings and conferences organized under the auspices of the Committee with a view to heightening awareness of the facts relating to this question. Those meetings would gather many renowned experts on the issue, representatives of Governments, parliamentarians, intergovernmental organizations, civil society and the media.

There are also other ways in which the Committee and the Division for Palestinian Rights of the United Nations Secretariat have been involved in the issue at hand. In response to a General Assembly mandate, in 1997, the Division, under the guidance of the Committee, began a project aimed at the preservation and modernization of the property records of the Palestine refugees, originally prepared by the UNCCP. This important project is now nearing its completion.

Together with the Organization of the Islamic Conference and the League of Arab States, the Committee on the Exercise of the Inalienable Rights of the Palestinian People would like to bring this unresolved issue to the focus of international attention, and to reaffirm the determination of the world community to ensure a comprehensive, just and lasting settlement in accordance with international legitimacy and United Nations resolutions. I wish to stress once again the importance, attached by our Committee, the Organization of the Islamic Conference and the League of Arab States to this event. We all have a stake in the success of the Israeli-Palestinian peace negotiations and in the continued effort of the various parties to bring peace, stability and economic prosperity to all the peoples of the region and to their ancient land. Our deliberations in the coming two days will become a modest but important contribution to this enormous task.

It is also of great significance that this meeting, hosted by UNESCO, is being held here in Paris - in the centre of Europe, whose countries have done so much, together with the co-sponsors of the peace process, to create a political and economic environment favourable and conducive to peace. Since the very start of the Madrid peace process, their support and assistance has been instrumental in helping the parties make tangible progress in the peace negotiations and arrive at the most critical threshold of the peace process - the final settlement stage.

In conclusion, allow me to say this. The arrival of the new millennium gives us an opportunity to look at ourselves, look back at how we have lived and interacted in the 20th century, and teach us a lesson on how to avoid inflicting pain and abuse on each other in the future. This is the time to eradicate injustice throughout the world and to stop the suffering and dispossession caused by hate and intolerance, war and conflict. This is the time to join hands, to begin to heal and learn to respect and live in peace with each other. This is the time to look ahead and build for the future.

This gathering brings together experts on the question of Palestine refugees who have kindly agreed to share with us their expertise and offer valuable insights into the various aspects of the issue. I would like to wish all of you every success in the coming two days of deliberations.

### AZEDDINE LARAKI

Secretary-General
Organization of the Islamic Conference

Allow me, first of all, to express my deep gratitude and appreciation to all those who have participated in the preparation of this important Conference, which is being held in the context of the sense of responsibility towards the Palestinian cause, particularly to the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People and the General Secretariat of the League of Arab States.

I avail myself of this opportunity, as well, to reaffirm the Organization of the Islamic Conference's continuous cooperation with you for the achievement of the lofty objectives to which we all aspire.

The Zionist movement has consistently been working to expel the Palestinians, legitimate owners of the country, in accordance with a design involving a demographic strategy to be carried out in phases. Moreover, Palestinian citizens have gone through successive ordeals caused by the Israeli aggression. In 1948, the Zionist occupation authorities embarked on a series of massacres in Arab cities and villages, as they set out to deport Palestinians from their homes and disperse them all over the world. In 1967, the Palestinian people suffered the harrowing experience as a result of the further Israeli aggression which led to the seizure, by Israel, of whatever Palestinian territories remained and yet another deportation of large numbers of Palestinians.

The Palestinian diaspora is now spread over Iraq, Egypt and the Gulf countries, but the majority of Palestinian refugees are in Jordan, the Syrian Arab Republic and Lebanon. According to statistics as well as the 1999 census, the breakdown in the current location of Palestinian refugees is as follows:

| | |
|---|---|
| Jordan | 1,512,742 |
| Lebanon | 370,144 |
| Syrian Arab Republic | 374,521 |
| Gaza | 98,444 |
| West Bank | 69,741 |
| Total | 2,425,592 |

It is noteworthy that, following the dispersion of hundreds of thousands of Palestinians as a consequence of the Arab-Israeli conflict in 1948, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was established as per a December 1949 United Nations General Assembly resolution. The Agency went into operation in May 1950 when it extended emergency relief to those refugees. Awaiting a settlement to be reached for the Palestinian problem, UNRWA kept providing essential services to the refugees living in Jordan, Lebanon, the Syrian Arab Republic, the West Bank and the Gaza Strip in the areas of education, health, relief and social care.

Over the past five decades, the number of Palestinian refugees has increased as a result of natural population growth, without a corresonding growth in voluntary donations which would enable UNRWA to cope with its growing needs, despite the fact that many international observers praised the Agency's role as a stabilizing factor in the midst of the explosive situation in the Middle East. The Palestine refugees themselves admit that UNRWA's work is a guarantee, on the part of the international community, of their right to claim a just settlement.

UNRWA differs from other international organizations in that:

(a) Despite the passage of 50 years since its inception, it still has a temporary status, as UNRWA's mandate still has to be renewed every three years through a voting process at the United Nations General Assembly. The last extension, the 18th, ends in the year 2003;

(b) Ninety-five percent of UNRWA's budget is in the form of donations and grants from donor States. It is a separate budget from that of the United Nations;

(c) UNRWA's powers and responsibilities are rather of a humanitarian nature, since it is confined to dispensing services to the Palestine refugees. As for its general political role, it resides in the fact that it is considered the international eyewitness of the refugees' tragedy for, on the one hand, its creation was based on "international legitimacy", the resolutions and decisions of the United Nations, and, on the other, its continuation is a constant reminder of the international community's commitment to implement the United Nations resolutions pertaining to the cause of the refugees, especially General Assembly resolution 194 (III).

The financial crisis currently faced by UNRWA led it to adopt a new policy based essentially on reducing expenses and applying austerity measures which have affected all phases of the Agency's programme and essential services. There is nothing in the offing that suggests any possibility of attaining quick solutions to this financial crisis or even curbing its effects, which calls for reaffirming the Agency's international responsibility towards the refugee issue along with the necessity for UNRWA to carry out its work and keep providing its services. This is also one more reason why it would not be proper to end, halt or reduce such services or hand them over to another authority until the refugee issue has been resolved on the basis of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948. Likewise, the matter requires the rejection of any interference on the part of parties, committees or groups alien to the work of the Agency. It is all the more imperative to hold on to the legal and political terms of reference of UNRWA's activities as set forth in the relevant United Nations resolutions. From this rostrum, I appeal to the donor States to lend adequate support to the Agency and increase their assistance to the Palestine refugees.

The final status negotiations in the framework of the ongoing peace process dealing with the substantive and crucial issues of the conflict will have to discuss the Palestine refugee problem which has become chronic, as well as the persistent Israeli refusal to comply with the decisions of the international community which call for the return of the Palestine refugees to their homes and property. The Organization of the Islamic Conference is of the view that unless the interests of the great majority of the Palestinian people, namely the refugees who constitute one third of that people, are fully taken into consideration, the future of any peace in the area will be doomed, as the situation will remain explosive. Proceeding from its devotion to see peace and stability reign in this important region of the world, the Organization of the Islamic Conference would like to stress the following facts:

First: The Palestinian people's right to return to their homeland is genuine, undeniable and inalienable as supported, recognized and approved by all the decisions of "international legality", particularly General Assembly resolution 194 (III) of 11 December 1948, because man's right to live in his homeland, to travel and to return there is an absolute one, even under emergency situations or military occupation. Such rights were best highlighted in the 1948 Universal Declaration on Human Rights as well as the various international and regional agreements and covenants, including the American, European and African accords on human rights and the Nürnberg Charter, which considered forced deportation and expulsion as war crimes and crimes against humanity. This also includes the Fourth Geneva Convention of 1949.

Second: The Palestinian right of return has always left - and shall always leave - no room for controversy, possibility for doubt to be sown or various pretexts aimed at evading it. The calamities that befell the Palestinian people were indeed brought about by racist principles based, in the past as well as in the present day, on deportation, colonial settling and emptying the land of its indigenous population so that it might be replaced by Jewish settlers flocking into Palestine from all parts of the world.

Third: The Palestinian people's right of return has a collective dimension, in terms of international law, which makes it a vital element for the Palestinian people's right to self-determination. Refuting or violating that right therefore would not affect individuals, but rather the majority of the people. The international community has realized the importance of such an organic link between the right of return and that of self-determination, which prompted the United Nations General Assembly to state in one of its resolutions that "the Palestinian Arab refugees are entitled to enjoy their right to return to their homes and property, as this is an indispensable matter for the Palestinian people to exercise themselves their right to self-determination."

Fourth: International law experts are aware that the honouring of the right to return is a *sine qua non* condition for the founding of the State of Israel, as its acceptance as a United Nations Member State was contingent upon its agreement to implement the relevant United Nations resolutions on Palestine, foremost among which was resolution 181 (II) of 25 November 1947 on the partition that preceded the proclamation of the State of Israel and resolution 194 (III) of 11 December 1948 regarding the right of return.

It may safely be said that such a conditional membership was the first precedent of its kind in the history of the United Nations and that Israel is, indeed, aware of the importance of resolution 194 (III) and the ensuing international commitments; this is why it did not abrogate the Palestinians' right to their property inside Israel, but instead set a legal framework for it.

It is necessary to compel Israel to recognize the Palestinian people's right of return and to accept its historical and political responsibility and to implement all the relevant United Nations resolutions, foremost among them General Assembly resolution 194 (III), which is the main reference concerning the refugee issue.

What is required is the immediate implementation of Security Council resolution 237 of 14 June 1967, regarding the displaced persons, which demanded clearly "the unconditional return of the displaced" and called upon the Israeli Government to facilitate that return.

The Organization of the Islamic Conference firmly believes that the right of return is the central issue in the Arab-Israeli conflict and that no attempt to establish a comprehensive and lasting peace in the area can succeed unless it secures a just settlement of the Palestine refugee issue based on international legitimacy.

Moreover, the right to return is absolute and imprescriptible; it cannot become obsolete, nor is it a gift or favour of any kind with an expiry date. And it is non-negotiable. Likewise, it is not permissible for any power of representation to render it null and void. It is very much linked with the right of *usus fructus* which no occupation or a change of sovereignty in the region can annul. Moreover, compensation is not a substitute for "return". Both are applicable rights. Compensation includes the damage caused by Israel and its exploitation of properties for over 51 years, both public and private property. It also encompasses the psychological suffering experienced by individuals and the people as a whole. Therefore, compensation comprises four points, namely: moral compensation to individuals and communities, compensation for war crimes, compensation for the crimes against humanity, and compensation for crimes committed against peace. All these crimes are committed by Israel.

The Organization of the Islamic Conference has upheld the peace option and supported the will of the international community in this connection. It adopted a series of decisions at the summit level to support the establishment of a comprehensive and durable peace in the area. Despite Israel's failure to honour the agreements it concluded, its placement of hurdles in the way of the peace process and its continuous attempts to renege on the fundamentals and terms of reference of that process, trying to empty them of their substance, and its constant aggressions against Lebanon and its people, wreaking havoc in and destroying the infrastructure, energy sources, Lebanese citizens' homes and causing a heavy toll of innocent civilians, the Organization of the Islamic Conference has exerted considerable efforts to advance and safeguard the peace process. It supported all the international and regional steps and efforts to salvage the peace process. Conversely, the stances adopted by Israel have led the process to a complete standstill on the Palestinian track and both the Syrian and Lebanese tracks, along with the general state of unrest prevailing in the area, with the inherent danger of a degeneration into an all-out mayhem and imbroglio which the world eyes with the utmost anxiety.

We at the Organization of the Islamic Conference see in this international manifestation yet another opportunity for re-emphasizing the necessity for energetic action to restore peace to the land of peace and push forward the Middle East peace process until the latter achieves the results aspired to, those which provide for complete Israeli withdrawal from all the occupied Arab territories, including the Syrian Golan, the occupied Lebanese territories and the occupied Palestinian territories, including Al-Quds Al-Sharif, and the restoration of the inalienable national rights of the Palestinian people, which comprise the right to return, to self-determination and to set up their own independent State on their national soil with Al-Quds Al-Sharif as its capital.

May Allah guide our steps for the glory of right and justice.

**SAID KAMAL**
Under Secretary-General for Palestine Affairs
Representative of the Secretary-General of the League of Arab States

It gives me great pleasure to be with you here today to participate in the work of this Conference on the question of the Palestine refugees, organized by the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in cooperation with the League of Arab States and the Organization of the Islamic Conference, here at UNESCO, an Organization which we have always known to be devoted to its mission in the service of justice and peace, on the soil of the French Republic, which we have also known to be supportive of rights and of just causes.

I have the honour to convey to all of you the greetings of H.E. Dr. Ahmed Esmat Abdel Meguid, the Secretary-General of the League of Arab States, who attaches the utmost importance to the question of the Palestine refugees and to all issues involving Arab rights. Like other Arab officials, he looks forward to the day when these issues will find a just solution, so that peace and stability may prevail in our region and so that our people may devote themselves to development and reconstruction.

I am certain that you agree with me on the importance of this Conference and the importance of its topic at this time in particular, when peace negotiations in the Middle East, despite the obstacles with which they are faced, have come to consider the question of the Palestine refugees, which has been one of the major components of the Arab-Israeli conflict. I do not need to remind you of the history of this issue over more than 50 years, when more than 750,000 Palestinians were forced to leave their towns, villages and property to seek refuge in neighbouring countries (Jordan, Syria, Lebanon, Egypt and Iraq), while further tens of thousands sought refuge elsewhere on the West Bank and the Gaza Sector, escaping from the horrors of war and at times from the results of deliberate Israeli policies, massacres and planned acts of violence, which have become known and which are acknowledged today by Israeli historians and politicians themselves.

The international community, represented by the United Nations, has been concerned by the question of the Palestine refugees from the outset. The United Nations has dealt with the question in a commendably responsible manner, ever since the General Assembly adopted its famous resolution 194 (III) of 11 December 1948, which stated that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return. In the face of Israeli obduracy and its refusal to implement that resolution, which the United Nations has reiterated over 110 times, it established the United Nations Relief and Works Agency for Palestine refugees in the Near East (UNRWA), by virtue of General Assembly resolution 302 (IV) of 8 December 1949. Our Conference today, and the continuing services provided by UNRWA to the Palestine refugees, are a clear demonstration that the international community and the United Nations are continuing to shoulder their responsibilities with regard to this question.

All the Arab countries have shared in bearing the burdens arising from the question of the Palestine refugees. The host countries provided them with whatever assistance they could, while other Arab countries absorbed hundreds of thousands of Palestine refugees in the labour market and the economy, benefiting from their experience and efficiency. The Arab Gulf States are also making generous contributions to UNRWA's budget and to projects under UNRWA's Peace Implementation Programme.

On the political side, the League of Arab States has been most concerned with the question of the Palestine refugees, both through its support for the establishment of a just and comprehensive peace in the Middle East and through its follow-up of the question as a permanent item on the agenda of the Council of Arab Foreign Ministers, which considers at each of its sessions the latest developments and adopts appropriate resolutions in support and confirmation of the rights of the Palestine refugees in accordance with the resolutions based on international legality. Follow-up and implementation of resolutions adopted by the Council are entrusted to the Conference of Supervisors of Palestinian Affairs in the Arab States, which meets biannually with the participation of the Arab host countries (Jordan, the Syrian Arab Republic, Lebanon, Egypt and Palestine).

All the efforts exerted to assist the Palestine refugees are nothing more than partial and temporary solutions to some of their vital problems, while the major part remains dependent upon a radical political solution that would embody enjoyment of all their rights, primarily their right to return to their homes and properties, in compliance with resolutions based on international legality, the Universal Declaration of Human Rights and all the relevant international instruments, it being an established right not subject to any period of limitation.

While adhering to a solution to the question of the Palestine refugees in accordance with international legality, the League of Arab States considers that any schemes aimed at bypassing this legality through the settlement of the refugees in the diaspora are impractical solutions, and that it is incumbent upon Israel first and foremost and upon the entire international community to have the courage to face this fact.

Permit me to repeat what I already said at the Peace Institute at New York University in 1980, namely that true peace in the Middle East cannot be achieved without a solution to the question of the Palestine refugees in accordance with international legality, and that it is impossible for Israel to achieve the peace and security of which it dreams without such a solution; otherwise it will continue to be pursued from generation to generation by revolts and intifadas, while the countries of the region will not be immune to the effects of such a situation.

I am confident that this distinguished group of experts and concerned persons will address at this Conference all the aspects of the question of the Palestine refugees and will reach the conclusions for which we all hope.

In conclusion, I should like to express my thanks and appreciation for all the good efforts exerted by the various Arab and international parties to assist the Palestine refugees and to achieve a just solution for their cause. In particular, I should like to express my thanks to the United Nations, represented by the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to the Organization of the Islamic Conference and to the State of Qatar for the support it has provided to the League of Arab States in connection with holding this Conference. Thanks are also due to the Government of France and to UNESCO for the organizational and administrative facilities they have provided, and to all those present here today. Thank you.

### AHMED SAYYAD
Assistant Director-General
Representative of the Director-General of UNESCO

Since 1950, UNESCO has been cooperating with UNRWA in the field of education. In this way UNESCO is attempting to alleviate the suffering of the Palestinian people and help to provide access to education for the children of Palestine refugees. UNESCO's action is also aimed at guaranteeing the preservation of the cultural identity of the Palestinian people and our activities in these areas will continue as long as the problem remains unresolved.

Following the Oslo agreements, UNESCO proposed to the Commissioner-General of UNRWA and to the Palestinian Authority that joint discussions should be held and that advance preparations made for a comprehensive plan for the progressive integration of all schools in the Palestinian educational system. This proposal is purely of an educational nature, being aimed at guaranteeing the protection of the interests of the refugees' children pending a political agreement on this question.

We are aware that this proposal could be misinterpreted. Nevertheless, our objective is the harmonization of the entire educational system. However, we are conscious that this decision rests with the Palestinian Authority. I would like to assure you that UNESCO, for its part, will not fail in its duty to contribute, within its spheres of competence, to offering its services at the request of the Palestinian Authority.

I am sure that the conclusions of this Conference will help to achieve further progress on this important question. In advance, I wish you every success in your work.

## AS'AD ABDUL RAHMAN

Member of the Executive Committee of the Palestine Liberation Organization
Head of the Refugees Department

On behalf of His Excellency President Yasser Arafat, I convey to all of you his greetings and best wishes to our International Conference on Palestine Refugees. Also allow me to express our sincere thanks to the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Organisation of the Islamic Conference and the League of Arab States, who have yet again made this admirable effort to expose the problem of the Palestinian refugees to the world. This valuable effort fits perfectly with the State of Palestine's proposal (confirmed lately by the Arab League) to consider the year 2000,the Year of Palestinian Refugees.

I would also like to thank UNESCO for allowing us the use of their premises, and all States, organizations and individuals who are participating, thus reaffirming their friendship and concern for the Number One of our most important and central issues. It has been almost 52 years since our people were dispossessed and expelled from their ancestral land, Palestine. Now counting well over 5 million people in their nearby or far-away diaspora, the Palestinians have not forgotten, nor will they, that they have a homeland, Palestine, to which they intend to return from the various places of their diaspora.

A condition for Israel's recognition by the international community was the repatriation of the refugees. This has not been fulfilled, neither were any of the other United Nations resolutions, from the 1947 General Assembly partition resolution 181 (II), still valid, 194 (III), as well as Security Council resolutions 242 (1967) and 338 (1973), down to the latest reports of the Human Rights Commission on contraventions by Israel against Palestinians under occupation.

The issue of refugees ranks as Number One of the central issues that the Palestine Liberation Organization is dealing with. If peace is to be established in the region, "a just settlement" as stipulated in resolution 242 (1967) must be found for the refugee problem. Resolution 194 (III) is the only "just settlement" acceptable to the international community and to us. We in the PLO, and the Palestinians at large, are dedicated to peace. We have made, and are still making, every effort to achieve it, despite the many varied and continuous obstacles placed in the path of progress by the various Israeli Governments. The inalienable rights of our people, so well supported and documented by this esteemed Committee, are acknowledged by international law, whether those concerning human rights or falling within the Geneva Conventions, or those created by blessings of the international community.

The peace process, begun in Madrid, progressed towards Oslo with the Declaration of Principles, was expected to yield considerable steps forward towards a final peace. The negotiations have actually progressed, albeit partially, towards the end of the interim period. We had hoped that phase three of the track would be over, but we are still struggling to complete, among other interim period issues, the last phase of the Israeli withdrawal from the West Bank and Gaza. The problem now being presented by Israel is how much of the West Bank to return to us, despite the agreement to withdraw from 91 per cent of the area before final status talks begin.

While no progress has been made at the latest talks at Bolling Airforce Base regarding the framework for the final status agreement, we have been receiving reports of various dubious Israeli proposals: 65 per cent of the West Bank in return for a demilitarized Palestinian state; 70 per cent with annexation to Israel of 10 per cent of the land with the other 20 per cent to be disputed area; and/or 80 per cent for five years, with more if we are "judged" by the Israeli occupation to have behaved properly!

The Israeli "history" with us has been a history of continued attempts to "partition" the very geography and demography of Palestine, dismembering it, even after the General Assembly resolution 181 (II) partitioning Palestine between a Palestinian state and a Jewish state. First, they occupy 6300 square kilometres over and above what the partition plan ordained. Next, they occupy Gaza in 1956 before they are forced by the United States to leave in March 1957. In 1967, they occupy all of historical Palestine . After part of our country was returned to us under the

Palestinian National Authority, Israel started stalling: no withdrawal; withdrawal from less territory than agreed upon in Oslo, in Sharm Al Sheikh, in Sharm Al Sheikh II. It still refuses to maintain connections among the various areas returned to the Palestinian National Authority.

The next dismemberment has gone beyond geography and demography. It attempts to tear apart each of the interim status and the final status negotiations. Moreover, priorities have been set according to Israeli leaders' whims While delaying the implementation of the interim agreements, they propose postponing the issue of Jerusalem till after the final status negotiations, and then the refugee issue. Until when are we expected to postpone, wait, postpone again, and maybe never resolve these issues?

The multilateral track has also made no advance, particularly on the political rights of the refugees. The last meeting held in Moscow in early February this year expressed the Steering Group ministers' commitment to the achievement of a just and comprehensive peace based on Security Council resolutions 242 (1967) and 338 (1973), hoping that further progress would be made on the bilateral track. They recommended that the Working Groups, including that on the refugees, should meet in the first half of this year. The latter will be holding a session in Europe this month, and we hope that Israel will show some compliance with international legality, particularly regarding resolution 194 (III).

Despite the encouraging news reflected in the mass media after the last summit between the American and Palestinian Presidents, there is nothing encouraging from the Israeli Government concerning the most volatile issue in the Arab-Israeli conflict, namely the issue of the Palestinian refugees. In this regard all peace- loving forces in our world should listen carefully to President Arafat's warnings concerning attempts to circumvent the Palestinian refugees issue.

Despite annual reconfirmation of all the above-mentioned resolutions by the international community, none have been implemented. The international community has not forced this implementation as it has done immediately in Kossovo, and elsewhere. We hope that at last the case of the Palestinian refugees will be taken up with speed and seriousness, not only to end this half-century of suffering and injustice for our people, but also to save the peace process. For without implementing a just solution for the Palestinian refugees, we cannot "dream" of permanent peace in the area. Instead, we shall - unfortunately and sadly - end up with horrible "nightmares".

## III. PLENARY I

## PALESTINE REFUGEES - THE LONGEST-RUNNING HUMANITARIAN PROBLEM IN TODAY'S WORLD

- **Origins of the Palestine refugee question**
- **Socio-economic problems facing the refugee communities**
- **The demographic distribution of Palestine refugees**

**DON PERETZ**
Professor Emeritus, Binghamton University
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### Problems of refugee compensation

The issue of compensation is one of the most critical but difficult aspects of the refugee problem to be negotiated in the final status negotiations between Israel and the Palestinians. Differences between the parties are indeed wide on nearly all aspects, including responsibility for payment, identification of property and non-material items to be covered, the value of material and non-material items, who is to be compensated, the form and source of payments, and counter-claims for compensation Israel is likely to present.

Responsibility for compensation - On the one hand, the Palestinians and the Arab States maintain that Israel is responsible for payment of compensation to the refugees who left Israel during the 1948 war regardless of the reasons for their departure. To support their claim they cite precedents established through international law and United Nations resolutions, in particular paragraph 11 of resolution 194 (III) adopted by the General Assembly in December 1948, resolving "that compensation should be paid for the property of those [refugees] choosing not to return and for the loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible". Although the resolution does not specifically designate Israel as responsible, the Arab States and, indeed, many nations not party to the conflict have assumed that the resolution infers that Israel is accountable for abandoned refugee property, even if not the cause of the refugee flight.

On the other hand, Israeli Governments since 1948 have disclaimed responsibility for the refugee departure, placing the blame on the Arab States and Arab leaders. They have asserted that the refugee flight was the result of instigation by Arab leaders in a war of aggression against Israel, and therefore that ultimate responsibility for any claims must be borne by the aggressor States. However, Israel has stated that it is willing to discuss the issue in the context of a peace settlement and to consider some form of payment as a humanitarian gesture, not as an obligation by the State of Israel.1/

This perspective is underscored by Ze'ev Schiff in a recent monograph, Israeli Preconditions for Palestinian Statehood. He asserts that "Israel should participate in a humanitarian effort to rehabilitate the refugees, recognizing that it bears no responsibility to compensate these refugees for damages suffered during a war initiated by others during which Israelis themselves suffered greatly. Additionally, Israel should reject claims for compensation of Palestinian refugees, perhaps by presenting in return Israel's own claims to regain Jewish property in Arab countries." 2/

Recently however, there have been nuances of change in Israeli public opinion. In a Knesset speech Prime Minister Ehud Barak expressed regret for Palestinian suffering caused by the 1948 war but emphasized that his regret was "not, under any circumstances, based on a feeling of guilt or responsibility for the emergence of the conflict and its results".3/ Several "new historians" using official archives have refuted assertions that Israel was blameless in the matter of refugee flight, documenting that a large percentage of Palestinians were forced from their homes to become refugees either within Israel or beyond its borders. Even the Ministry of Education recently initiated a project to revise school textbooks to give a more balanced and equitable picture of Israel's early years.

Changing perspectives are reflected in a monograph, The Palestinian Refugee Problem by Brig. General (ret.) Shlomo Gazit, former head of Israeli military intelligence. He observes that "one must question the current Israeli policy of refusing to recognize any Israeli responsibility to compensate the refugees. Whoever seeks a full solution to the Arab-Israel and Palestinian-Israeli conflicts, cannot ignore the significant psychological contribution to a changed Arab-Palestinian attitude towards Israel that would derive from an Israeli decision to pay compensation." 4/

Gazit asserts that there is no possible comparison between the situation of the Palestinians in 1948 and Jewish suffering resulting from the Holocaust since the former resulted "from war their own leadership initiated". However, he asserts, Israel should calculate compensation and payments to be made to the refugees, a process that "could be of great psychological importance, facilitate normalization and open a new era of positive bilateral relations between the peoples." If Israel were to insist, "as in the German case, that Palestinians be obligated to use the Israeli payments to import Israeli products," Palestinian and Arab markets would be opened for Israel. 5/

Gazit's proposal is indicative of an influential view in Israel that corresponds with the international consensus concerning Israel's at least partial responsibility for payment of compensation to the 1948 refugees.

Identification and evaluation of property and non-material items - A major task facing those dealing with the compensation issue is identification of items to be compensated for. The two main categories are movable and immovable property. The latter includes primarily land and building structures; the former, industrial equipment, commercial stocks, motor vehicles, agricultural equipment and livestock, household effects and blocked bank accounts.6/ In addition, Palestinian and other Arab specialists have demanded compensation for loss of "human capital," psychological suffering and the Palestinian Arab share in the value of public material assets during the mandatory period such as railroads, airports, ports, water resources, and other such public assets. 7/

Rural and urban lands constitute the principal capital owned by the Arab community in 1948. Land categories of diverse values include urban property, various qualities of cultivable land, forests, uncultivable grazing lands and wastelands.

Sources for identification of former Palestinian Arab assets are diverse, including Arab specialists such as Sami Hadawi, Yusuf Sayegh, and Atif Kubursi; the Israeli Custodian of Absentee Property; and the United Nations Conciliation Commission for Palestine (UNCCP).

Hadawi, former Chief of the Land Taxation Section of the Palestine Government's Department of Land Settlement and editor of the authoritative Village Statistics which classified land categories and ownership during the Mandate, gave the following data on Arab-owned land in Israel following the 1949 armistice agreements. 8/

| | Area (in acres) | Percentage |
|---|---|---|
| Arab individually owned | 1,870,492 | 36.64 |
| Jewish-owned | 368,941 | 7.23 |
| Other than A or J | 26,308 | 0.52 |
| State domain | 2,838,765 | 55.61 |
| Total | 5,114,506 | 100.00 |

The CCP's Refugee Office established a Committee of Experts on Compensation in 1950 to undertake the task of identifying and evaluating Arab property, focusing on land. Its principal source of data was based on land-holdings and values registered in the Government of Palestine's Land Office in 1937, 1942 and 1947. The UNCCP's global estimate was based on the territorial situation defined in the 1949 armistice agreements between Israel and Egypt, Jordan, Syria and Lebanon. 9/

After completing a global estimate of Arab property, the UNCCP sought to identify hundreds of thousands of individual land parcels based on Mandate records giving each location, area and description, owners names' and respective shares and other data such as mortgages affecting the parcel.

A major problem was that records of land-holdings were dispersed among several authorities. At the end of the Mandate British officials turned over to Israel only those records within the jurisdiction of the Jewish State where land was predominantly Jewish-owned. Other records were received by Jordan, Syria and Egypt. Many microfilmed documents had been sent to England, where they were made available to the UNCCP.10/

The UNCCP expected to base its estimates on records sent to England and from government tax records held by Israel. Although the UNCCP claimed that Israel, Syria, Egypt and Jordan had cooperated in its work, it was discovered that many original land registration records were destroyed in the 1948 war or otherwise missing. Some of the microfilmed material sent to England was later found to be illegible, and many documents had basic omissions.

The UNCCP Refugee Office estimated that more than 80 per cent of Israel's total area of 20,850 square kilometres represented land abandoned by the Arab refugees although only a little more than a quarter of it was considered cultivable.11/ Three quarters of this land was submarginal or semi-desert, mostly occupied by nomad tribes whose ownership, although not clearly defined, was unchallenged during the Mandate. Actual title to this land was "presumed" to be State domain and thus was considered government land by Israel. Given the ambiguity of title to such lands, they are likely to be the object of controversy in compensation negotiations. According to the UNCCP, abandoned Arab cultivable land was nearly two and a half times the total area of Jewish-owned land at the end of the Mandate.

Specific identification of land ownership and evaluation of many large abandoned tracts was impossible because of the land system prevailing at the end of the Mandate. Most land in the UNCCP's global estimate of 16,324,000 dunums, including the 4,574,000 considered cultivable, had not been registered under the Land Settlement Act, which identified ownership by cadastral survey. Much of this property was registered under the old Ottoman system, which usually identified land parcels or buildings undefined by a survey. Entries in the Register of Deeds could rarely be identified with the parcel of land to which they purported to refer. In effect land registration was personal rather than territorial.12/

Although land registration under Ottoman law was compulsory, it was frequently not enforced. Consequently much land was held by private contracts drawn up according to local custom outside the official Land Registry Office. There was no record of successions that often divided and subdivided ownership. The Register of Deeds, especially in rural areas, often did not show true ownership of land and the tangle of titles was a complex labyrinth leading to frequent disputes over encroachments and boundaries.

The British mandatory authorities initially adopted Ottoman legislation pertaining to immovable property that conformed to Sharia Islamic religious law modified by tradition. Although the Mandate authorities did little to modify Ottoman land legislation, they permitted the civil courts to apply principles of English common law and doctrines of equity in force in the United Kingdom, subject to Ottoman law.

In 1928, the British introduced a new system, the Land Settlement Ordinance, basing registration on survey maps accurately defining each parcel of land. However, by the end of the Mandate only 5,200,000 dunums had been reclassified or settled under this system, including most Jewish-owned land. Large areas that became absentee property, particularly in western Galilee, the Jerusalem Corridor and areas surrounding Safad, Acre and the Little Triangle, were never reclassified. In these areas ownership and payment of compensation on an individual basis would generate complicated legal and technical difficulties.

A major objective of the 1928 Land Registration Ordinance was to limit landholdings in undivided or collective ownership (mush'a) and to end fragmentation of holdings by preventing registration of tiny plots into valueless fractions. Owners of such fragments were required to combine their shares with neighbouring owners.

Jointly owned village landholdings (mush'a) varied from village to village throughout Palestine, but precise information on its distribution and pattern was never collected. The most common type was joint ownership of village land and distribution of shares for each family. Over time, numerous partitions among the heirs and the sale of land to others reduced the shares to infinitesimal denominations - ten thousandths, hundred thousandths, and even millionth shares. Many areas were in total dispute with as many as 30 claims to a single small parcel of land. Often claimants had no documentation to support their claims, with only oral evidence as the basis for decisions.

Although there was no extensive documentation on the total amount of mush'a land in Palestine, it was known that mush'a was the most common form of ownership throughout the nineteenth century. However, the amount greatly decreased under the mandate. Mandatory surveys indicated that the decline in mush'a holdings during the 1920s and 1930s resulted from voluntary partitions carried out by the fellahin themselves. On the basis of the mandatory surveys it would seem that between 40 and 50 per cent of village lands was commonly owned. Attempts to determine individual compensation payments for commonly owned village lands would raise a host of difficulties.

Since a large part of immovable urban and village property consisted of building structures that were destroyed in war or demolished in urban reconstruction, identification of such items would depend on tax records or such documents that former owners might possess.

The most authoritative Israeli source for the identification and evaluation of abandoned refugee property is the Israel Custodian of Absentee Property, a division of the Finance Ministry. However, much information concerning the use, amounts, distribution and value of abandoned property and the Government's policy concerning it has been secret. Often sessions of the Knesset Finance Committee discussing the work of the Custodian were closed. Even the UNCCP was unable to acquire information from the Custodian concerning its activities.

According to early press releases, unclassified reports to the Knesset and Israeli press accounts, the property acquired by the Custodian made a major contribution to the country's early economic development. The extent of this property and the fact that much of Israel's border region consisted of absentee property made it strategically significant. Of the 370 new Jewish settlements established from 1948 to 1953, 350 were on absentee property. By 1954 more than a third of the 250,000 new immigrants had settled in abandoned Arab urban areas. Arabs left whole cities, including Jaffa, Acre, Lydda, Ramleh, Baysan and Majdal; 388 towns and villages; and large parts of 94 other cities and towns containing nearly a quarter of all buildings then in Israel. Ten thousand shops, businesses and stores were left in Jewish hands. Nearly half the country's citrus holdings, then a major source of foreign currency, were formerly Arab-owned. In 1949, olive produce from Arab groves was Israel's third largest export after citrus and diamonds.13/

Since the 1950s nearly all this property has been dispersed to Jewish owners through the Jewish National Fund, the Jewish Agency, and Israeli land and housing authorities. Much of the rural land was turned over to agricultural settlements; urban property (land and remaining buildings) was acquired by individuals or housing firms on long-term leases. To identify immovable property abandoned by the Arab refugees the archives of the Custodian would have to become available.

At this point, 50 years after the refugee flight, it would be difficult if not impossible to identify movable property. According to the finance minister in 1951 much absentee property was illegally seized during the early 1950s by squatters, veterans and institutions settling new immigrants.14/

Until now the Israeli Government has not made public any estimate of the overall value of abandoned property. Consequently there are no precise figures available but only estimates of former Arab property values. These estimates range from about 2 billion to well over 200 billion current U.S. dollars. Two principal sources are those of the UNCCP and the Palestinian economists and land specialists mentioned above.15/

The UNCCP maintained that valuation of movable property was all but impossible. There was no way of knowing what the refugees took with them and what they left. The UNCCP Refugee Office received no answer from Israel concerning the nature and extent of movables appropriated by its authorities, although the Custodian of Absentee Property estimated the value of movables in its warehouses during 1951 at 4 million Palestine pounds (LP). Despite these difficulties, the UNCCP offered a rough calculation of the value of movable property based on the national income of Palestinians in 1945 and the aggregate value of various items in 1945 such as farm equipment, livestock and household effects: a figure of LP 20 million. Comparisons were made between the relative value of movable to immovable property in the case of Turks leaving Greece and Greeks leaving Turkey after World War I since the social structure of these two communities resembled that of the Palestinians. Based on this comparison the value of Arab movable property would have been LP 21,570,000. Thus the total value of Arab movable and immovable property in 1948-50 according to the UNCCP was LP 121,570,000, the equivalent of about $1.85 billion 1990 US dollars.16/

The UNCCP estimated that the total value of abandoned Arab land in 1950 was about LP 100 million and of movable Arab property in the neighborhood of LP 20 million. Because of the complexity of the problem resulting from missing records and technical complications, these were acknowledged to be very approximate estimates. Furthermore, immovable property evaluation was overshadowed by, on the one hand, many changes in land and building values brought about by improvements after the Arab flight. On the other hand, tens of thousands of buildings and hundreds of thousands of acres of agricultural land had deteriorated during the 1948 war and Arab flight.

UNCCP estimates were based on the tax records of the Palestine Government. Agricultural land values were based on estimated productivity used for tax purposes. Agricultural productivity was determined by the Rural Property Ordinance, which set a tax per dunum according to the estimated soil productivity; the Ordinance applied to all rural lands except those in the Negev. Urban and town property values were based on assessed rental value.

The value of land was greatly increased by the Land Transfer Regulations of 1940 (derived from the 1939 White Paper), which greatly restricted areas in which Jews could acquire land, thus driving the price upwards. An additional factor was the Arab nationalist campaign against sales to Jews, a fact that made land sales to Jews by Arabs dangerous. Uncultivable land and buildings in rural areas were not evaluated by the UNCCP.

The total value of abandoned immovable property estimated by the UNCCP based on this method was: 17/

| | |
|---|---|
| Rural land | LP 69,525,144 |
| Urban lands | 21,608,640 |
| Jerusalem lands | 9,250,000 |
| Total | LP 100,383,784 |

Neither the Arab States nor the Palestinian community accepted the UN estimates, believing that they were far too low. The Arab League appointed its own committee of experts to evaluate the loss of Arab property in Palestine. Arab delegates at the UNCCP's 1951 Paris conference presented a figure nearly 20 times the estimate of the UNCCP experts, the equivalent of over 35 billion US dollars. They demanded that refugees who did not return to Israel should be compensated for their share in public property, including roads, railways, ports, airfields and other such facilities, in addition to compensation for individual property. 18/

Palestinian economist Dr. Yusif Sayegh estimated the value of abandoned Arab property at 756.7 million 1948 pounds sterling (land and houses - 644.2 million, movable property - 112.5 million). To this, he added lost income possibilities, the cost of separating the West Bank and Gaza from the Palestinian economy and the burden imposed on the neighbouring Arab States by having to absorb large numbers of the refugees. 19/

Sami Hadawi added to the bill for land, houses and movables the costs of human capital losses, including loss of life, careers, suffering, etc. His estimate of property loses in 1948 prices was LP 743 million; in addition, LP 430.2 in human capital losses totalling LP 1,182 billion or $239 billion in 1990 US dollars. 20/

Canadian economics professor Dr. Atif Kubursi maintains that the estimates presented above were inaccurate, those of the UNCCP far too low and those of the various Arab experts, although more realistic than the UN estimates, not inclusive enough. His estimate of material loses is identical to Hadawi's, i.e., LP 743 million in 1948 prices, the equivalent of $132 billion in 1994. Inclusion of human capital losses raises total compensation claims to $209 billion. If compensation for psychological damage and pain, similar to payments made to Jews by West Germany is added, the total reaches $253 billion. Kubursi and other Arab economists maintain that the UNCCP greatly undervalued refugee assets, neglecting important data such as sales records of land in Palestine when the mandate ended and the diversity and fluctuations in land evaluation. 21/

Compensation recipients and forms of payment - A principal difference between the parties to the dispute over compensation is whether payments should be global or individual and if global, whether payment should be made directly or to an agency representing refugee interests in the form of large-scale development projects intended to rehabilitate and absorb them.

Although Israel has offered individual payments for expropriated land to its internal Palestinian refugees (those who fled or were driven from one part of Israel to another during 1948), it has insisted that only global payment be offered in the case of refugees who left the country, and only within the context of a general peace agreement. In 1949, the Israeli Government stated that it would consider payment into a UN fund for integration of the refugees within the neighboring countries, with the understanding that Israel was not responsible for the refugee flight. Final agreement on compensation would have to put an end to the whole refugee problem. Individual claims by former Arab owners would have to be addressed to a UN body charged with settling the compensation issue, not to Israel. This offer would not be viewed as an obligation, but as a humanitarian contribution dependent on loans to Israel. 22/

Gazit has proposed that Israel should determine compensation "at a fixed and modest rate, making no attempt to calculate the amount due to every refugee family according to the value of its property in 1948." He proposes a rate of approximately $10,000 per family to be applied toward rehabilitation "within a collective framework." Such family grants, he acknowledges, "would account for a relatively small part of the original assets left behind in 1948."23/

In early negotiations on the refugee issue the UNCCP considered that Israel should pay compensation to individual owners based on UNCCP evaluations of abandoned property. Considering Israel's stringent economic conditions in the early 1950s, the UNCCP recommended establishment of a UN trustee through whom individual payments would be made and who would be assisted by a group of economic and financial experts charged with developing a compensation programme. However when it became evident that the compensation issue would be indefinitely deferred, emphasis changed from direct individual payments to some form of global financing of refugee resettlement and rehabilitation.

Neither the United States nor the United Nations has taken an official position on the question of global versus individual payment. General Assembly resolution 194 (III), while calling for compensation, was ambiguous about the form of payments, and whether or not they should be individual or global. However early attempts to resolve the refugee issue placed great emphasis on resettlement and rehabilitation through projects such as those proposed by the Clapp Mission (UN Economic Survey Mission) and Eric Johnston's schemes for regional economic development. These proposals implied global compensation in the form of contributions through the UN for projects that would absorb the refugees in the countries surrounding Israel. Neither the Clapp nor the Johnston proposals were implemented because of the belief by most Arab authorities that they were intended to dispose of the refugee problem through resettlement, thus relieving Israel of any obligation for repatriation or compensation. 24/

Arab delegations to the 1951 Paris conference insisted on individual compensation payment; if Israel was incapable of assuming the burden, then the UN should assume responsibility. Attempts to establish a relationship between payment and Israel's ability to pay was seen as pure and simple confiscation of Arab refugee property. To restrict the right of the refugees to compensation would be to make Israel a present of the refugees' property, the Arab representative insisted.25/

Kubursi underscores the Palestinian emphasis on the right to individual compensation in his study (Palestinian Losses in 1948. The Quest for Precision). "Individual rights are at the heart of the compensation issue," he states. "The largest losses are incurred by individuals or families. The collective will, as expressed by the Palestinian leadership, can only theoretically forfeit collective rights. It is up to individuals to pursue their rights regardless of the agreements the current Palestinian leadership may reach with the Israelis at this time, presumably on their behalf."26/

A workshop on refugee compensation sponsored in July 1999 by the Palestinian Refugee Research Net and the Canadian International Development Research Center outlined the strengths and weaknesses of various forms of compensation and types of claimants. These included claims by individual 1948 property owners and their heirs, by extended families and/or villages, by the refugee community as a whole regardless of property ownership, by the Palestinian State on behalf of the refugees and by host Governments for the costs of hosting the refugees.27/

The workshop also surveyed the strengths and weaknesses of payment mechanisms. They included cash payments to individuals, payment-in-service vouchers for individuals and/or families, investment in community development, refugee ownership of investments in development corporations, lump sum payment to a Palestinian State, payment through a binational (Palestine/Israel) agency, a trilateral (Palestine/Israel/other) or multilateral international commission and payment through a UN organization such as UNRWA or its successor.

In summary, considerations in regard to payment of both global and individual or family compensation include: should payments be in equal amounts regardless of whether recipients were property owners or not; should they be determined by amounts and type of property lost; should payments be specifically designated for refugee rehabilitation or should recipients be free to use payments as they wish; should payment be direct to refugees or through an intermediary agency such as an Israeli or Palestinian authority or through an international agency, United Nations or other.

Counter-claims - When the issue of compensation was initially raised, Israel responded with counter-claims for Jewish-owned property in areas of Palestine held by Jordan, war damage claims and claims for property of Jews leaving Iraq in the early 1950s.28/

War damage claims included the costs to Israel of the economic blockade imposed by the Arab States and Jewish property in the Jordanian-held Old City of Jerusalem, the Rutenberg electric plant at Naharayim, several Jewish settlements in the West Bank, the Dead Sea potash works and Jewish-owned property in Hebron.

After Iraq froze Jewish property and turned it over to a Custodian of Jewish Property in 1951, Foreign Minister Sharett emphasized that Israel would have to take into account the value of Jewish-owned property frozen in Iraq "with regard to compensation we have undertaken to pay the Arabs." 29/

Similar moves by Syria in 1953 and Egypt in 1956 to freeze Jewish property or to place it under control of a custodian increased the amount of counter-claims by Israel. They were re-enforced by the powerful lobby of Jews from Arab countries who in 1975 established the World Organization of Jews from Arab Countries (WOJAC), which received quasi-official status from the Israeli Government. 30/

WOJAC demanded that Jewish property in Arab countries and the costs to Israel of absorbing Jewish immigrants from the Arab world be presented as counter-claims to the compensation demanded for Arab property seized in Israel. These demands were again recently raised by the World Jewish Congress and organizations of Sephardi Jews, who intensified their campaign against payment to the Palestinians, charging that the value of their property was larger than that of the Palestinians. Some presented what they maintained was a conservative estimate of $100 billion.

Until now there has been no accurate accounting of Jewish property in Arab countries. However, Sephardi organizations recently distributed 75,000 questionnaires to Jews from Arab countries now living in Israel, the United States and in other countries to obtain data on property left by the Jewish emigrants.

Although a strong case may be made by Palestinian negotiators that Arabs who left property in Israel are in no way responsible for the fate of Jews who left Iraq, Syria, Lebanon, Egypt, Yemen, Morocco, Libya and Algeria, the Sephardi lobby in Israel will continue to exert strong pressure on the Government to take into account their counter-claims.

Sources of compensation payments - All estimates of compensation due the Palestinian refugees are substantial. The largest amounts are greater than the annual national income of most Middle East nations (the current annual budget of the Israeli Government is around $50 billion). It is therefore obvious that if compensation is to be paid, the source will have to come from or be supplemented from outside the region.

A survey, "Financing Palestinian Refugee Compensation," by Rex Brynen of McGill University postulates a variety of sources, including Israel, the Arab States, the United Nations and third-party international assistance, principally Western nations. 31/

Although counter-claims for reparations and internal political opposition are pressures militating against any substantial Israeli contributions to compensation funding, there are several possible sources worthy of consideration. They include some property restitution, payments from rental funds collected by the Custodian of Absentee Property and the Israel Land Authority, payment in kind for Jewish settlements in the Occupied Territories turned over to the Palestinian Authority and assistance to the Palestinians of the type Israel extends in its aid programmes to developing countries. Even if all these sources are available (not a likely possibility), they would total only a few hundred million dollars a year, constituting but a small fraction of the value of absentee property.

Contributions from Arab States are unlikely because they hold Israel liable for creating the problem. Furthermore, only Arab States with large petroleum revenues would be able to participate in any compensation scheme. However, Arab participation might be elicited by contributions to projects for refugee rehabilitation and/or resettlement, either in the projected Palestinian State or in the neighbouring countries.

Some economists have anticipated the devolution of UNRWA functions to host countries (the Syrian Arab Republic, Lebanon, Jordan, Palestine) and the gradual transfer of UNRWA funds (now over $300 million per year) to projects for refugee rehabilitation. Compensation in whole or in part might take the form of global payments to finance these projects.

A major source might be Western contributions to projects in the Palestinian State which would absorb substantial numbers of refugees. Although the US has been a principal contributor to Middle East development schemes, the current political climate in America is not conducive to large-scale foreign aid. Theoretically, as US economic assistance to Israel decreases, funding for development projects in the Palestinian State might increase.

International contribution to any compensation scheme is unlikely to be based on payment to individual property owners. If international assistance is forthcoming it would be for projects in refugee rehabilitation and the economic development of the Palestinian State, in essence, a form of global compensation.

The political climate in Israel and the outlook for international assistance indicates that there is little likelihood of any substantial amount to fund individual compensation. To the extent that funding may become available, it will probably be for global compensation in the form of contributions to rehabilitate and resettle the refugees. If individual claims are to be considered they will probably have be to dealt with through a bilateral (Palestine/Israel) claims commission where former refugee owners would be represented by the Palestinian State. Such a commission will probably be established as one of the bodies set up in a peace treaty to deal with unresolved issues in the final status negotiations.

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## URI AVNERY

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### Peace and the refugees
(A nonconformist Israeli perspective)

Last week I had a sad experience.

A film crew wanted me to visit the place where, as a soldier in the war of 1948, I took part in my first battle. It was at a village called Dir Muhsein.

It took me a long time to find the place. Between three kibbutzim, on a stony hill overgrown with wild plants, looking like any other, I found the telltale traces - heaps of stones that only trained eyes could identify as remnants of houses. Nearby was an old well, still full of water, with a plastic bucket and a rope.

On that day in April 1948, our mission was to open the way from the coast to the Jewish quarters of Jerusalem, which were besieged and hungry. For that we had to conquer Latrun, and before that Dir Muhsein. Like all soldiers before their first battle, I experienced physical, wrenching fear. But the engagement was short, the villagers had only some old rifles. We shot a lot.

I remember the village well. The inhabitants had fled, leaving cups standing on the table. I found some photos and took them; they are still in my possession. Where are these people today? In what refugee camp do they vegetate? They and the inhabitants of the many other villages, which my company occupied in '48?

I am telling this in order to explain that for me, the "refugee problem" is not an abstract question. For me, it is real. Since '48, it never left me. In 1964, long before the appearance of the New Historians in Israel, I published in Le Monde the first honest account by an Israeli about how the refugee tragedy was created. Ten years before that, in 1954, I published in Israel a detailed, practical plan for a solution, based on the right of the refugees to choose freely between generous compensations and gradual return. At the time, this was considered in Israel close to treason. The return of the refugees was unthinkable.

## A dream and a nightmare

After this personal note, let me address the political problem.

Basically, it is a clash between a dream and a nightmare.

On the Palestinian side, there is the dream of the Return. All refugees and their descendants will return - not just to Palestine, not just to Israeli territory, but each one to his home, his town, his village. Like a video cassette played backwards, everything will be reversed. The houses of Dir Muhsein will stand up again, as they are preserved in the memory of its old inhabitants and enlarged in their imagination, the fields will be returned to them. The kibbutzim around will just disappear.

Who will say that this dream is unjust?

On the Israeli side, there is a nightmare. It was born immediately after 1948. In this horrible dream, the 650 thousand Jewish inhabitants of the State of Israel at the time of its creation are being inundated by a deluge of 700 thousand Palestinian refugees, who will destroy the State and everything the Zionist movement has created.

By now, there are some 5 million Jews and 1 million Arab citizens in Israel. But the nightmare is there, as menacing as it was 52 years ago. Nothing, absolutely nothing in Israel arouses such unspeakable fear, perhaps intensified by unconscious guilt feelings, as the return of the refugees. Practically all Israelis see in it nothing but an euphemism for the destruction of their State, a threat to their very existence.

Who can say that this nightmare is unreal?

Beyond all practical plans and the rational search for solutions, these profound emotions must be taken into account.

## Statehood, borders, Jerusalem

If so, is there any chance at all for a solution that can be accepted by the majority of Israelis?

Other problems have been overcome. Let me remind you of a few of them.

Fifty years ago, a mere handful of Israelis (of which I was one) declared that there exists a Palestinian people, that we must make peace with this people. We were laughed out of court. "There is no such thing as a Palestinian people," the disastrous Golda Me'ir said two decades later, and everybody applauded wholeheartedly.

Today, there is hardly an Israeli who denies the existence of the Palestinian people.

Also, 50 years ago I proposed that Israel support the creation of a Palestinian State alongside Israel. Nobody agreed - neither our Government nor the PLO, when it was founded, neither the USA nor the late USSR.

Today, the whole world, the PLO and - most significantly - most Israelis agree.

In 1974 I established contact with the leadership of the PLO, an act that was criminal under Israeli law. When I met with Yasser Arafat in 1982, during the siege of Beirut, the Israeli Government officially decided to start a criminal investigation for treason.

Today, Israeli ministers stand in line to meet Arafat.

This is an immense progress, achieved by many factors, especially the heroic intifada, but also by the Israeli peace movement. Israeli public opinion changes, slowly - much too slow! - but surely.

We are, of course, still far from real peace. What about the problems left?

There is Jerusalem. Here I am optimistic. I believe Israeli public opinion is far less fanatical than the official government mantra of "indivisible Jerusalem, eternal capital of Israel". Israelis will, in the end, except a compromise - something along the lines of the Gush Shalom proposal for a "united Jerusalem, joint capital of Israel and Palestine".

Then there is the double problem of the border and the settlements. I believe that the Green Line of June 4, 1967, must become the border again, and that the settlements must be dismantled. This seems quite impossible today. But so did the solution to all the other problems, when we raised them first.

But all these questions are easy, compared to the refugee problem.

## Two basic truths

Let me stipulate two basic truths:

- There can be no real peace, no lasting peace, without putting an end to the tragedy of the refugees. Such a solution must be accepted wholeheartedly by the Palestinian people and the refugees themselves.
- There will be no end to the tragedy of the refugees if the Israeli people do not accept it as compatible with the spirit and the security of their State. It cannot be imposed.

Well, many will say, that is the end of the discussion. These two requirements are manifestly contradictory. Between them, no compromise is possible.

I beg to differ.

If we want a solution, we must first move out of the realm of dreams and nightmares and into the real world. Let's try to demystify the issue, to apply to it rational yardsticks, to deal with real people on both sides.

That is impossible, if we believe that absolute justice is on one side and absolute injustice on the other.

We will not get anywhere if we stick to an idea which is totally unacceptable to either one side.

If we say that the problem cannot be solved without the dismantling of the Israeli State and creating a binational State on all the territory of historic Palestine - then there is no solution.

Many Palestinians, and even a handful of Israelis, dream about a binational State. They have a right to dream. But they must know that there is absolutely no chance of this being realized in the next hundred years. And by then, Israeli settlements will have been established on every inch of Palestinian soil.

It must be understood that the basic urge of Zionism was to create a State where the Jews would be masters of their fate. This means that for nearly everyone in Israel, the one decisive element in any peace solution is that Israel will remain a State with a massive Jewish majority. There is absolutely no chance that within any foreseeable future this attitude will change.

On the other side, if Israelis insist that not one single Palestinian refugee can be allowed to return to Israeli territory, that all the refugees must be settled where they are, than there will be no solution. The Right of Return is by far too powerful an ideal to be pushed aside by anyone.

A peace with half the Palestinian people, even if it were possible, will be no peace at all, but just another temporary armistice.

We do need a compromise within these confines, but going much beyond today's attitudes, both Palestinian and Israeli. I shall try to outline a possible one.

## Ethnic cleansing

I shall start with the principles. Principles are important, when moral questions of justice and injustice are involved.

I believe that the State of Israel must clearly and dramatically admit its part of the responsibility for the tragedy of the Palestinian refugees.

I believe that this admission must lead to the recognition of the Right of Return as a moral principle.

There were many complex reasons for the war of 1948, which I cannot go into now. Suffice it to say the war was the result of the historical clash between two great national movements, two peoples, both claiming the same land. On the one side, the Palestinian people, who have been there for many generations. On the other, the Jewish people, just coming out of the Holocaust, trying to take possession of a land that they were spiritually attached to. (Let me beg my Arab friends not to deny or belittle the indescribable horror of the Holocaust, a horror beyond any propaganda or manipulation, which still has a profound influence on Israeli life and politics.)

To this very day, each side is absolutely convinced that it was attacked, that it only defended itself, that all the atrocities were committed by the other side. The actual facts, as confirmed by historians, play a very small role in this.

The war itself was a desperate struggle between two communities living in close proximity, each of which believed that its very existence was threatened. Whatever the reality as understood today, 53 years after the events - at the time each of the two peoples believed in the superiority of the other side, as far as manpower and arms are concerned . Each believed that a victory of the other side would entail its own annihilation. Atrocities lent credence to this conviction.

Thus, both sides conducted the war in a way that would be called today "ethnic cleansing". I repeat: both sides. While the number of Palestinian victims is vastly greater than that of Jewish ones, it is a fact that no Jew remained in any territory conquered by Arab fighters (Gush Etzion, the Old City).

In the later part of the war, which lasted for more than a year, many Arabs were undoubtedly evicted on purpose. In earlier stages, Arabs were mostly displaced by the war itself: Being caught near the fluid frontlines, being shot at in the course of the operations, villagers and townspeople fled from place to place, as civilians, with their women and children, are bound to do in a war. In the end, they found a hermetically closed armistice line between themselves and their homes.

For Ben-Gurion and his colleagues, whose aim was a homogeneous Jewish State, this was a dream come true. They did not even consider the possibility of letting the refugees come back. Instead, they brought in masses of Jewish refugees, who were quickly settled in the emptied towns and villages.

Putting the clock back today would mean to displace millions of Jews from what for them is their only home. The remedy for one injustice would cause another one. Practically no one in Israel advocates that.

The first step towards a solution is to confess honestly what happened and why, to shoulder the moral responsibility and ask for forgiveness.

Asking for forgiveness is not enough. The injustice confessed to must be rectified, as far as humanly possible. And, of course, any further acts of displacement and eviction must be stopped.

An ancient Hebrew proverb says: "He who admits and stops it will find mercy." Admitting without stopping it is not enough, nor is stopping without admitting it. Hence the double duty: Admit your part in creating the tragedy, stop the tragedy from going on.

## How many? Who? Where?

The admission of responsibility leads to the Right of Return and General Assembly resolution 194 (III) of 11 December 1948, which says: "...Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practical date, and that compensation should be paid for the properties of those choosing not to return..."

How can these principles be realized in the vastly different situation of two generations later? Moving from the abstract to the practical, what must and can be done?

Even the Israeli peace movement, for its greater part, does not believe that refugees can be allowed back into Israel proper. However, after insisting for a long time that the refugees must be resettled where they are, many have advanced towards the position that those who want to should be resettled in the coming State of Palestine, thus realizing the principle of Return. It seems that Ehud Barak has lately moved to that position.

However, the closer we come face to face with the real problems of peace, the clearer it becomes that that is not enough. Many Palestinians insist on a literal application of the Right, namely every refugee and his progeny will return to his former home and plot of land.

This is manifestly impossible, if we are looking for an agreed solution, not a "solution" that can only be achieved by war and destruction. But neither, I believe, will a solution be achieved if Israel refuses to let back anyone at all.

I propose that, as part of the Israeli-Palestinian peace agreement, Israel will undertake to bring back an agreed number, which can be absorbed psychologically, politically and economically. This number will not run into millions, nor will tens of thousands be enough.

I can imagine - just to mention an arbitrary figure - that every year, until further notice, 50 thousand refugees will come back. This is well within the capabilities of the State, compared to the Russian-Jewish immigration. As Israel already has a million Arab citizens, such a number need not arouse apocalyptic visions.

Another question is: Where will the returnees be settled? Many have relatives. Others have left villages that are still inhabited by Arab citizens, and can easily fit in again. Many must be resettled in new housing projects in places with Arab communities, like Nazareth, Jaffa and Haifa.

However, I would like to share with you a thought that came to me during my sad visit to Dir Muhsein. The hill where the village was located is empty, hidden behind trees. Its lands have been distributed among the neighbouring kibbutzim, but not the site of the destroyed homes. Why not allow them to return and built their houses where they once stood? They can find work in the neighbourhood. Some land for private plots can surely be found. Compared to the huge psychological and political benefit of such an action, the effort seems worthwhile.

## Return to Palestine

Many other refugees, who opt for return, can indeed be resettled in the future State of Palestine. Palestinian agreement to do this will strengthen the demand that all Jewish settlers be withdrawn from the West Bank and the Gaza Strip and that the settlements themselves be turned over to the refugees. It certainly lends great weight to the opposition to any further Israeli annexation beyond the Green Line of June 4, 1967.

The international funds that must be set up for the settlement of the refugees will also have to finance the settlement of those who will opt for return to the Palestinian state. Such an effort will bring with it financial resources much needed in Palestine.

## Compensation

No one knows, at this point in time, how many refugees will prefer to take compensation and either stay where they are or seek their fortune elsewhere. Indeed, no one knows how many Palestinian refugees there are, with estimates, often coloured by ideology, varying wildly between 3.5 and an improbable 10 millions.

Once the problem moves from the collective to the individual, with each refugee family making its own free decision, the outcome cannot be foreseen. People have married, built up businesses, found new roots. A woman in Ein Hilweh camp once told me that she wants to go back to her village near Tiberias (which does not exist anymore), but if not, she prefers to stay where she is. Many who dream of a village, idealized by nostalgia, will think again once faced with sober reality. In short, individual interest will take over, making the outcome quite uncertain. It will take time for things to sort themselves out.

One thing is certain: Great sums of money will be needed for compensations to those who will opt for them. International resources must be mobilized. Compensation amounts must be generous, not only for property left behind, but also for loss of educational possibilities and many other losses. I think here about the German compensations paid to the victims of the Nazi regime - even if any comparison between the two situations is impossible.

Israel, too, will have to bear a heavy financial burden. There is no free meal.

It should not be overlooked that a basic change in the situation of the refugees will take place when an internationally recognized State of Palestine is able to confer on them Palestinian citizenship. The possession of a passport can make a huge difference - as Jews of my generation know only too well. For Palestinians in Lebanon, in Europe and many other places, this is important.

The main point is that in the end, and within a reasonable time, every single refugee family will receive an adequate, if not ideal, solution to its problem.

## Is it possible?

People will say: This is science fiction, not reality. I am not daunted by this. They said the same about the recognition of the Palestinian people and negotiations with the PLO.

Others will say: This is not enough. It will not satisfy those who want everything or nothing. Well, those people are still around, but the great majority of the Palestinian people have - both before and after Oslo - shown a practical attitude that belies earlier all-or-nothing positions that have proved so disastrous to the Palestinian cause.

The thoughts put forward here are, at this moment, unacceptable to the vast majority of Israelis, and to many Palestinians, too. However, I detect in Israel a movement from total denial and total refusal towards the beginning of a new readiness to think again. It is still hardly noticeable, but it is there.

## Start now!

What can be done today?

First of all, discussions must be held and dialogue extended, in order to demystify the problem and draw it down from apocalyptic heights to the level of reality. The more open discussion there is, the more proposals are put forward, the better. People on both sides must get used to these ideas.

Second, how many refugees are there? Some objective scientific body, free from political pressures, should be instructed to establish the facts, as far as possible.

Third, feasibility studies must begin. International funds should provide the resources for this. For example, I would like to know how many sites of the 450 or so destroyed villages are still empty, like the village I mentioned. Where is it feasible for villagers to return to their homes, if not to their lands? How many refugees can be absorbed by their relatives in Israel?

Fourth, I would like to see a joint Palestinian-Israeli information centre dealing with this problem, based on the firm agreement that Israel must exist securely and that the State of Palestine must come into being. Any other political basis is, of course, possible too, but, to my mind, will do more harm than good to the refugees.

Fifth, I think that the time is ripe for appointing a joint commission of inquiry, composed of Palestinian and (the new) Israeli historians, to try to ascertain the "objective" historical truth about the events of 1948, as far as possible, so as to paint the historical picture in a way both Palestinians and Israelis will accept. I believe that that is of paramount importance for preparing the hearts for a just solution.

The aim must be to win over Israeli, as well as Palestinian and international public opinion for a practical, agreed-upon solution to this tragic and doleful problem.

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### The return of the refugees is the realistic solution

The departing twentieth century has witnessed the downfall of Nazism and fascism, the collapse of communism, the fading away of colonialism and the dismantling of the *apartheid* system. It was a momentous century. Many millions of people in many countries have broken free of these evils. Except in Palestine. Palestine is the only country in the world which is still subject to the sustained and powerful grip of many of these evils. Almost since its foundation, the United Nations has been occupied with the task of ridding the Palestinians of these evils. Hundreds of resolutions were passed affirming their rights, offering assistance and condemning violations of human rights. Still these resolutions lacked the will and enforcement of major powers, as was done in many other cases.

The victims of these evils are 5 million refugees, 3.7 m registered with UNRWA and 1.3 million unregistered refugees. They constitute two thirds of 8 million Palestinians and represent the largest, oldest and most politically important group of refugees in the world. Here is where they come from. (Fig. 1)

The refugees come from 531 towns and villages shown here, together with existing villages today. They were 85% of the inhabitants of the land that became Israel. Their land is 92% of Israel's area. By any standards, this is the largest, most carefully planned and continuous ethnic cleansing operation in modern history.

For all Palestinians the Right of Return is sacred. This is built in their psyche. It moved an astonished Israeli writer to note: "Every people in the world lives in a place, except the Palestinians. The place lives in them."

Even figures support this contention. Today 86% of the refugees live in historical Palestine and within a 100-mile band around it. This proximity to their homes is indicative of the bond they have to their places of origin. That is also why over three dozen schemes for their resettlement, anywhere in the world except their homes, have utterly failed.

The pattern of the refugees' movement when expelled in 1948 confirms the bond to their place of origin. When expelled, the refugees hovered around their villages, then moved to the next safe village and so on. None moved straight to their final place of refuge except those who took the sea route. All this indicates that the social fabric of Palestinian society remains largely intact after *al Nakba*. Today the children are registered in schools according to their village of origin, not according to their camp address. Here is a society that defied geographical genocide and remained intact.

The Right of Return is legal. The subject is long and well-documented by the United Nations. We just have to remember that General Assembly resolution 194 (III) is not an invention. It is the embodiment and restatement of international law. There is no equal to this resolution in United Nations history, neither in the length of upholding it, nor in its unique application to the Palestinian people. It enjoys sustained, universal and overwhelming consensus, more than 100 times in the last 50 years. Contrary to common misconceptions, it is not a single resolution. It is three in one. First, it affirms the right of refugees to return home, i.e. to their place of origin. Second, it provides welfare to the refugees until they return. Third, it creates a mechanism to effect that return: a UN organ named Conciliation Commission for Palestine.

Because resolution 194 (III) is so basic, it survived the passage of Security Council resolution 242 (1967), which is meant to eliminate the consequences of the 1967 war; it survived the ill-fated Oslo process, because it does not address the core problem of the refugees, and it shall survive the tribulations of Palestinian statehood because statehood addresses political matters of sovereignty, which does not supersede the right to return home. Much to the displeasure of the Palestinians' adversaries, resolution 194 (III) is still alive and well. If we examine United Nations records as recently as December 1999, we will find that resolution 194 (III) is still being affirmed by the international community minus Israel and lately the United States. Moreover General Assembly resolution 54/74 of the same month affirms as well the entitlement of the refugees to their properties and their revenues since 1948.

Now I will come to the issue which is the subject of many myths and misinformation. It is often said by well-intentioned people that refugees have the *right* to return but it is impossible for them to do so. The country is full.There is no space left ...etc. Nothing is further from the truth. Of course, even if that were true, the right of return is not diminished. If an occupier expels an owner at gunpoint, he is not entitled to keep the house just because he filled it with his cousins and friends.

Let us examine Israel's demography. Israel divided the West Bank into areas A, B and C. Let us now divide Israel into areas A, B and C. (Fig. 2)

Area A has a population of 3,013,000 Jews (end of 1997) and its area is 1,628 sq. km, which is the same area and largely in the same location as the land which the Jews purchased or acquired in 1948. Its area is 8% of Israel. This is the total extent of Jewish ownership in Israel. Clearly 92% of Israel is Palestinian. In this 8% lives two thirds of the Jews. Here is the heaviest Jewish concentration. Most Jews still live in the same old neighbourhood of 1948.

Area B has a mixed population. Its area, which is 6% of Israel, is just less than the land of Palestinians who remained in Israel. A further 10% of the Jews live there. **Thus, in a nutshell, 78% of the Jews live in 14% of Israel.**

That leaves Area C which is 86% of Israel. This is largely the land and the home of the Palestinian refugees. Who lives there today? Apart from the remaining Palestinians, the majority of the Jews who now live there live in a few towns (shown circles according to size).

860,000 urban Jews live either in originally Palestinian towns or newly established towns. The average size of a new town in Area C is comparable to the size of a refugee camp. In fact, Jabaliya camp in Gaza is larger than two new towns in area C north or larger than three new towns in area C south. If Jabaliya camp were a town in Israel, its rank would be in the top 8% of Israeli urban centres.

Who then controls the vast Palestinian land in Area C? Only 200,000 rural Jews exploit the home and heritage of 5 million refugees packed in refugee camps and denied the right to return.

The refugees in Gaza are crammed at 4200 persons per sq. km. If you were one of those refugees, and you looked across the barbed wire to your land in Israel, and you saw it almost empty, at 5 persons/sq. km, (almost 1 thousand times less density than Gaza), what would be your feeling? Peaceful? This striking contrast is the root of all evil, which will not be eliminated without the return of the refugees. This couple of a hundred thousand rural Jews, holding 5 million refugees hostage, is obstructing all prospects of a just peace.

What do these people do? We were told they cultivate the (Palestinian) land and produce wonderful agriculture. We were not told that three quarters of the kibbutzim are economically bankrupt and that only 26% of them produce most of the agriculture. We are not told that the kibbutz is ideologically bankrupt; there is constant desertion, and not many new recruits. Irrigation takes up about 75% of the water in Israel; two thirds of it is stolen Arab water. Agriculture in the south alone uses 500 million cubic meters of water per year. This is equal to the entire water resources of the West Bank now confiscated by Israel. This is equal to the entire resources of upper Jordan, including Lake Tiberias for which Israel is obstructing the peace with Syria. This irrigation water, a very likely cause of war with the Syrians, Palestinians and Jordanians, produces agricultural products worth only 1.8% of Israel's GDP. Such waste, such extravagance and such disregard for the suffering of the refugees and denial of their rights is exercised by this small minority of kibbutzniks. Yet their small number is comparable to the Jewish settlers who drifted to the West Bank, excluding Jerusalem due to be evacuated in a new peace deal, or to about 3 of the 60 refugee camps scattered in the Middle East.

Let us consider two scenarios, which if applied are likely to diffuse much of the tension in the Middle East. Let us imagine that the registered refugees in Lebanon (362,000) are allowed to return to their homes in Galilee. Even today, Galilee is still largely Arab. Palestinians there outnumber the Jews one and a half times. If the Lebanon refugees return to their homes, the Jewish concentration in Area A will hardly feel the difference, and the Jews will remain a majority in all areas, even when they are least in number, like Area C.

Furthermore, if 760,000 registered refugees in Gaza are allowed to return to their homes in the south, now largely empty, they can return to their same original villages while the percentage of the Jewish majority in the centre (Area A) will drop by only 6%. It is a sad sign of the miscarriage of justice to note that the number of these rural Jews who may be directly affected by the return of the suffering Gaza refugees to their homes in the south does not exceed 78,000, or the size of a single refugee camp.

One of the manifestations of such injustice is that the Russian immigrants, mostly economic and largely non-Jews, are freely admitted to live on Palestinian land because they claim to be Jews. The striking fact is that their number is almost the same as that of the Lebanon and Gaza refugees combined. In other words, if those refugees had returned in the 1990s, Israel would not be more densely populated than it is today and surely the prospects of peace would have been greatly improved.

So much for the claim of the physical "impossibility" of the return. The vacancy of Palestinian land is so problematic to Israel that it is trying to find people to live on this land. None other than Sharon and Eitan, both hard-core Zionists, started a scheme in 1997 to sell the refugees land to builders to build apartments so that an American or Australian Jew can buy an apartment without being an Israeli. A portion of the land rented by the kibbutz was sold at exorbitant prices (up to $1000 per a square metre in the centre). Kibbutz farmers who rented this land from the Custodian of Absentee (i.e. refugee) Property received a "compensation" up to 25% of its sale value. This made the bankrupt farmers rich overnight. City dwellers who did not share this wealth went into an uproar and the Ronen Committee was formed to submit a moderating proposal to limit this sudden wealth.

This illegal activity, selling a land in custody, prompted the UN to issue resolutions affirming the entitlement of the refugees to receive any income of their property for the last 50 years and calling upon all States to present all documents and information they might have on the refugees' property. In September 1998, the Arab League passed a resolution to call on the UN to send a fact-finding mission to report on the status of the refugees' land and appoint a Custodian to protect their property.

While their land is being sold, we see persistent efforts to scatter the refugees around the world. Since 1948, there have been more than three dozen schemes to resettle the refugees anywhere in the world except their homes, all devised by pro-Israelis, all failed. Why? Because the refugees refuse to be treated like cattle carted away in trains or planes away from their homes. There are hideous parallels from the Second World War. These plans are nothing less than ethnic cleansing plans, punishable if effected by international law.

Consider the proposal by Donna Arzt in her book Refugees into Citizens, published by the (US) Council on Foreign Relations. (Fig. 3). Analysis of the figures shows that over 1,500,000 people have to be carted away in yet another ethnic cleansing operation and the rest have to remain in exile. Such ideas will never materialize. It is a shame that we still witness proposals of this kind.

Compensation is often mentioned as a solution, that is to say, offering paltry sums to be advanced by the US and Europe to pay the refugees off, so that Israel ends up with a legal title for a huge real estate and its water, free of charge. This is a non-starter. Compensation is a not accepted for homes and land; these are not for sale but for restitution. Compensation is due for material and non-material damages and losses which the refugees have incurred for 50 years, and reparations for war crimes. It is much cheaper to pay for the rehabilitation of the refugees in their homes. It is even cheaper to pay off those Russian economic immigrants who come to occupy the refugees' homes.

Now it is often said that Israel opposes the return of the refugees on the basis that this will change the Jewish character of the State. In the words of a noted jurist: "The Jewish character is really a euphemism for the Zionist discriminatory statutes of the State of Israel which violate the human rights provisions... The UN is under no more of a legal obligation to maintain Zionism in Israel than it is to maintain *apartheid* in the Republic of South Africa." Not only this is immoral, it is also illegal under enlightened human rights law and is abhorrent to the civilized world. Most recently, the reports of treaty-based bodies, such as Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights and the Committee against Torture, have all condemned Israeli practices and characterized for the first time so clearly the exclusive structure of the Israeli State as the root cause of all those violations of international law. How, then, can the international community accept the premise of a "Jewish character" as a basis for the denial of the right to return home?

Socially, the idea of the Jewish character is a misnomer. Would anyone believe there is much in common between a Brooklyn Jew and an Ethiopian Jew? Or between a Russian claiming to be a Jew and a Moroccan Jew? The gulf between the Ashkenazi and the Haredim will never be bridged. The Sephardim (Mizrahim) are allocated the lower rings of the social ladder. Jerusalem and Tel Aviv are being polarized on sectarian lines. Israel has long given up on the idea of a melting pot. Israel remains and will continue to be a segregated society.

In this checkered mosaic live the Palestinians who remained in their homes. They now represent 26% of all Jews. They are everywhere. (Fig. 4). In Area A (the highest concentration of the Jews), they are 11% of the Jews. In the mixed Area B, they are 21% of the Jews. In Area C they are 70% of Jews on average, but they are double the number of Jews in the Little Triangle and 1.5 times the number of the Jews in Galilee. How could Israel ignore their presence? Will Israel plan another massive ethnic cleansing operation? Very unlikely, or there will be a sea of blood. They are there to stay, and increase. In the year 2010, the number of Palestinians in Israel will be 35% that of Jews and they will be equal to the number of Jews in 2050 or much earlier when immigration dries up. So what is the value of chasing an elusive target while innocent people continue to suffer?

In Palestine today (Israel, West Bank and Gaza) - that is, from the river to the sea - Palestinians are already 47% of the whole population. They will be equal in number to Jews in four years' time.

The Israeli notion of numerical superiority is therefore impractical and short-sighted. So is the notion of an exclusive and homogeneous Jewish society. Neither has any chance of success. On the contrary, maintaining those racist policies will alienate most of the world (as it does today) and will accumulate a great deal of anger that may explode one day with disastrous results.

I tried to show that the right of return is sacred in the eyes of the Palestinians, and that they have not the slightest intention of abandoning it. A new movement among refugees in all Arab and foreign countries to reaffirm their right of return is developing rapidly. If only 1% of them assert their rights forcefully, this means 50,000 angry people, or 10,000 in each of the five UNRWA areas. It will be foolish to ignore this. The right of return is also legal, as demonstrated consistently by the international community, and it is also possible and feasible, contrary to Israeli claims. There is enough space to accommodate the returning refugees with minimum dislocation to Jews. The oft-repeated Israeli notions of retaining an exclusive and superior Jewish society are immoral, illegal and simply untenable in the long run.

This leads us to conclude that the current Israeli policies of denying the refugees the right to return home are doomed to failure in the long run. It would be wise for the Israelis to invest in the future by building bridges of goodwill, instead of building arsenals of weapons of mass destruction.

It also leads us to conclude that the return of the refugees is the most important stabilizing factor, without which there can be no permanent peace in the Middle East. The return of the refugees to their land and to their agricultural pursuits will take up the slack in Israel's GDP and will put to proper use the wasted water in the vast unutilized, now confiscated refugees' land. If more water is needed in the future, it can be obtained by friendly regional agreements, not by new war and conquest of new land.

The Palestinians are dynamic and intelligent people. If left in peace, which they deserve, in their homes to which they are entitled, they are likely not only to support themselves but to produce a considerable surplus. Witness their contribution to the development of Jordan, Lebanon, Kuwait and the Gulf at a time when they have emerged from a harrowing experience, called *al Nakba*.

The international community supported by diplomacy the right of return in Tajikistan, Abkhazia, Namibia and Cyprus. Why not in Palestine?

The international community implemented UN resolutions by military force in Kuwait, Bosnia, Kosovo and East Timor. Why not in Palestine?

The return of the refugees is the realistic solution. It is not realistic to bury 5 million people in oblivion.

It is a dangerous illusion to think that peace can prevail in the Middle East without the implementation of the right of return to the largest, oldest and most politically important refugees in the world.

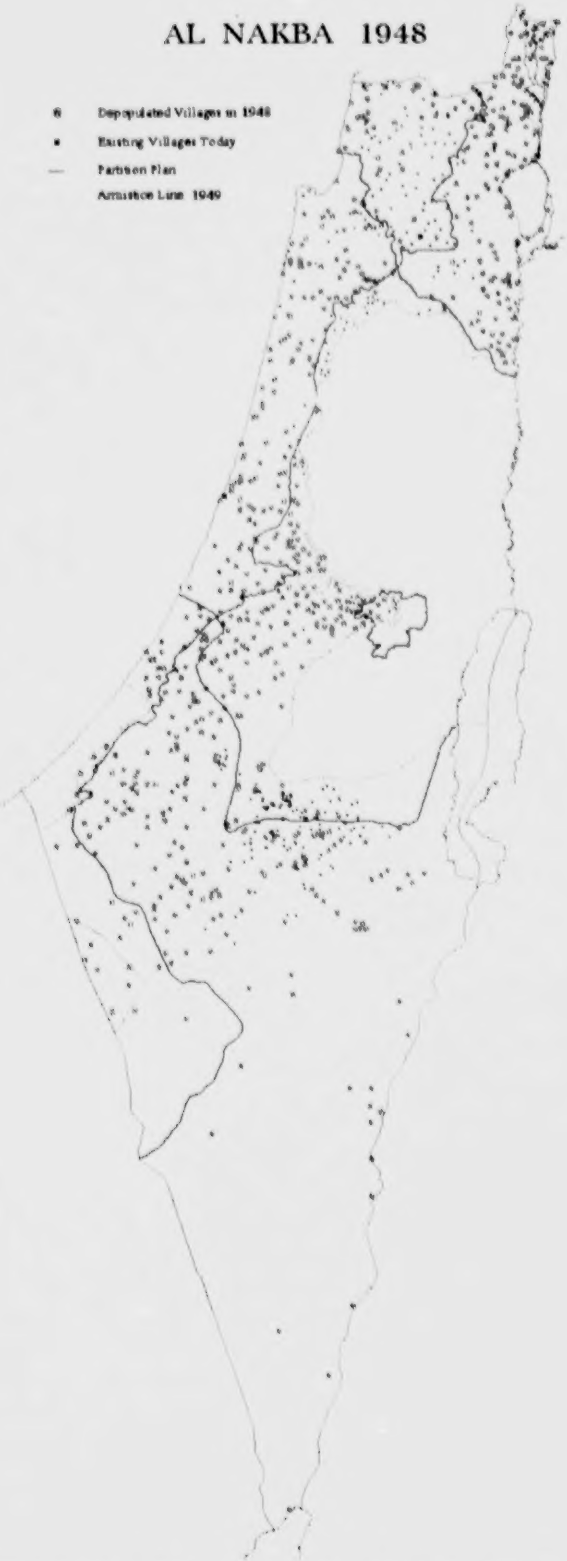
AL NAKBA 1948
Depopulated Villages in 1948
Existing Villages Today
Partition Plan
Armistice Line 1949

Fig. (1) **The Distribution of Depopulated and Existing Villages in Israel.**

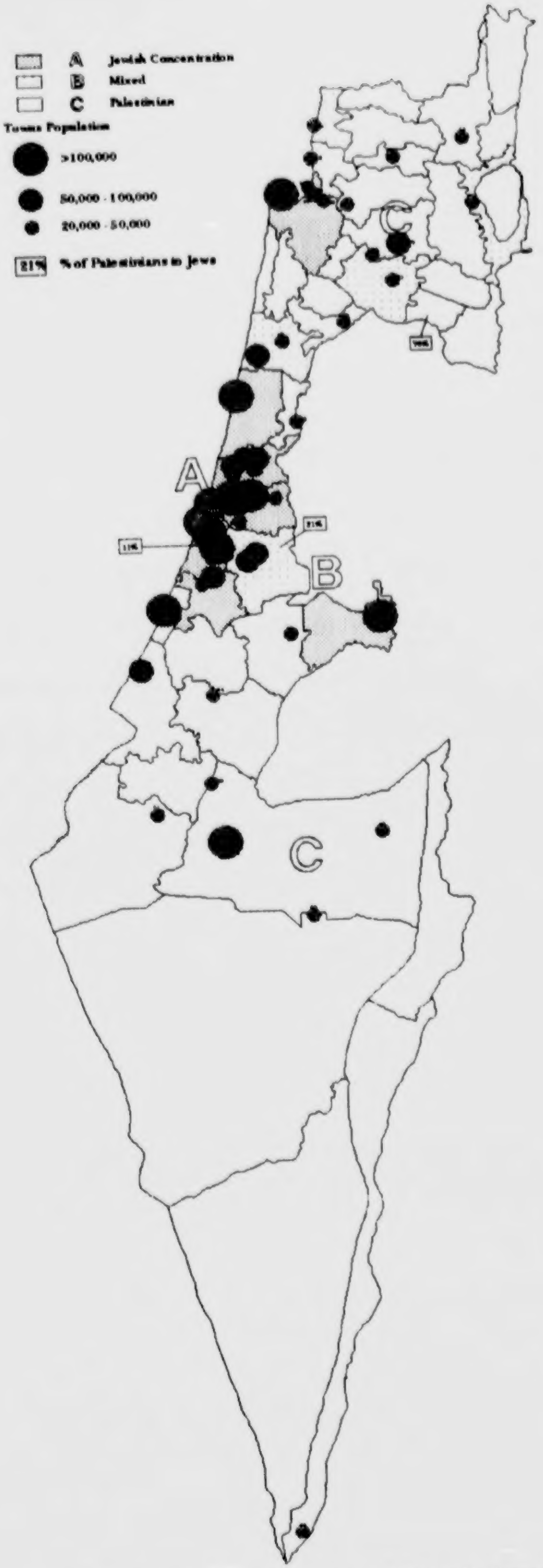
A Jewish Concentration
B Mixed
C Palestinian
Towns Population
>100,000
50,000 - 100,000
20,000 - 50,000
21% % of Palestinians to Jews
A
B
C
C
11%
21%

Fig. (2) The Distribution of Jews and Palestinians in Israel

# RESETTLEMENT = ETHNIC CLEANSING

| Place of Refuge | Arzt Estimate 1995 | Arzt Final Solution 2005 | Transfer from | Transfer to West Bank | Transfer to Arab countries | Transfer to the World | Resettlement in Present Exile |
|---|---|---|---|---|---|---|---|
| Israel | 840,000 | 1,075,000 | -14,087 | 14,087 | | | 1,075,000 |
| Gaza Strip | 880,000 | 450,000 | -690,948 | 690,948 | | | 450,000 |
| West Bank | 1,200,000 | 2,400,000 | | | | | 1,555,838 |
| Jordan | 1,832,000 | 2,000,000 | -375,246 | 139,128 | 141,671 | 94,447 | 2,000.000 |
| Lebanon | 372,000 | 75,000 | -407,310 | | 215,874 | 191,436 | 75,000 |
| Syria | 352,100 | 400,000 | -56,509 | | 28,254 | 28,254 | 400,000 |
| Other Arab Countries | 446,600 | 965,000 | | | | | 579,031 |
| Non-Arab Countries | 452,000 | 900,000 | | | | | 586,032 |
| TOTAL | 6,374,700 | 8,265,000 | -1,544,099 | 844,162 | 385,799 | 314.137 | 6,720,901 |

| | | |
|---|---|---|
| **Transferred Population** | 1,544,099 | 6,720,901 |
| **Missing Population** | | 1,129,610 |
| **Total Palestinians** | | **9,394,610** |

**Notes:** Arzt estimated Palestinians in 1995 before transfer and in 2005 after transfer. This jump in time and place is analysed separately for each of the two and compared with the population had they not been transferred. The result is Transfer and Resettlement columns. Missing population is the figure not accounted for by Arzt due to errors and underestimatnion of 1995 figures.

**Fig. (3) Analysis of Arzt's Transfer Plan.**

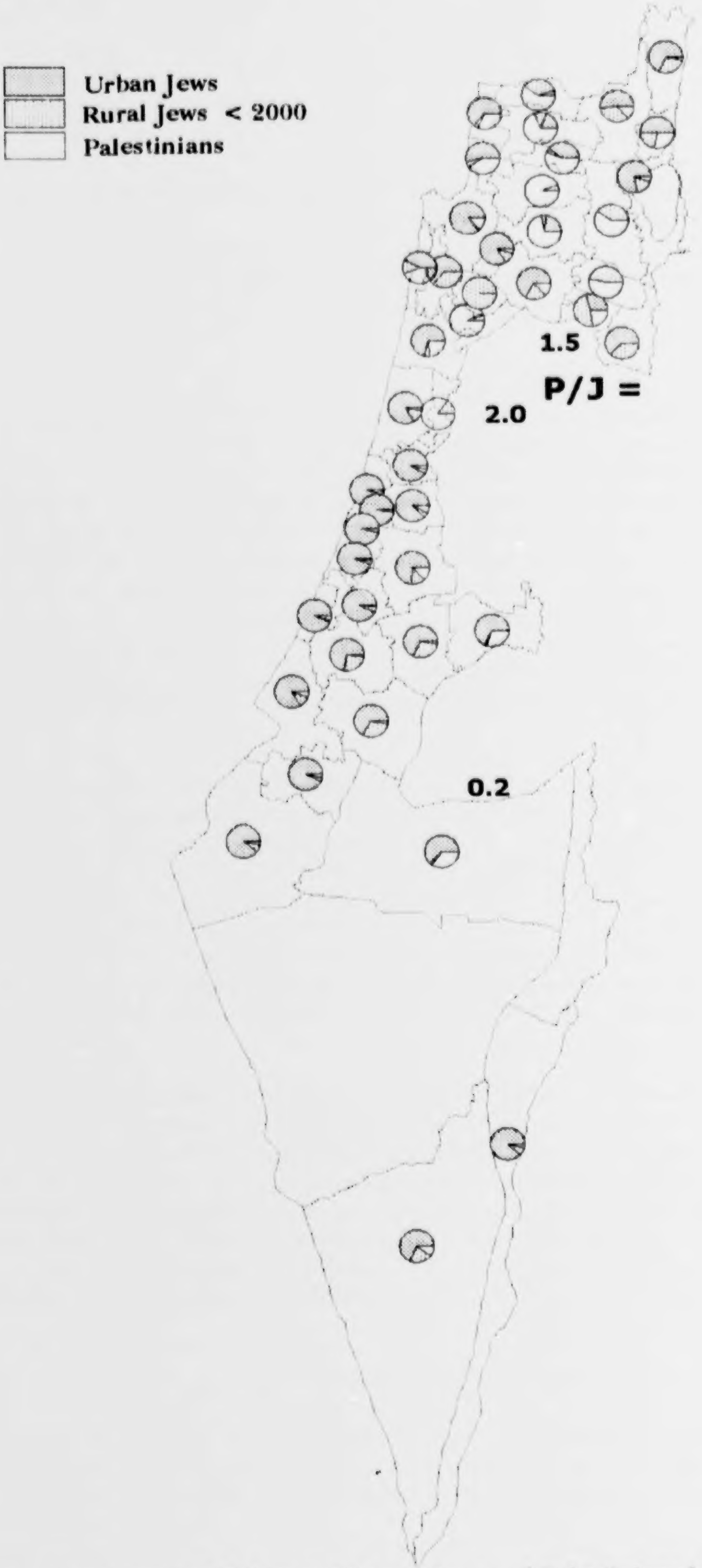
Urban Jews
Rural Jews < 2000
Palestinians
1.5
P/J =
2.0
0.2

Fig. (4) Percentage of Urban and Rural Jews and Palestinians by Natural Region in Israel

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*Note: The following paper was produced for the Trans-Arab Research Institute (TARI) for the Boston conference on April 8, and will be included in a forthcoming book with the conference papers*

## Reinterpreting Palestinian refugee rights under international law, and a framework for durable solutions

### *Introduction*

Palestinian refugees have a status that is unique under international refugee law. Unlike any other group or category of refugees in the world, Palestinians are singled out for exceptional treatment in the major international legal instruments which govern the rights and obligations of States towards refugees: the 1951 Geneva Convention Relating to the Status of Refugees (Refugee Convention) and its 1967 Protocol (Refugee Protocol); the Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR); and, specifically with regard to the Palestinians, the Regulations governing the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Almost all States and international entities have interpreted the relevant provisions in these instruments as severely restricting the rights of Palestinian refugees *qua* refugees in comparison to the rights guaranteed every other refugee group in the world. As a result, Palestinian refugees have been treated as ineligible for the most basic protection rights guaranteed under international law to refugees in general, further eroding the precarious international legal guarantees that international human rights and humanitarian law currently extends to this population.

There are a number of consequences flowing from this unique application of refugee law to the Palestinian refugee situation. First, it affects the question of the type of *protection* afforded Palestinians under international refugee law, as opposed to the *assistance* they receive as refugees. Second, it affects the extent to which Palestinian refugees can assert guarantees of *international human rights* and *humanitarian law* protections, and whether there are forums available for them to assert such rights. Third, it implicates the issue of what entity or agency has the authority to *represent* the interests of Palestinian refugees, whether in international bodies such as the United Nations, before other international or domestic legal/political forums, or in negotiations with States such as Israel. Fourth, it raises the complex issue of whether individual human rights recognized under international law can be protected and promoted in the Palestinian refugee case when such rights collide with collective rights under international law—in this case, the right to self-determination.

It is the contention of this author that interpreting refugee law principles and instruments as requiring a special and exceptionally weak international human rights regime for Palestinian refugees is an incorrect interpretation of the law. Palestinian refugees are entitled not to reduced protection, but to a *heightened protection regime*. These conclusions are based on an exhaustive review of the plain language of the relevant provisions, the intentions of the drafters of the instruments and the purpose and scope of coverage of the instruments themselves. Reinterpreting the instruments in this way dramatically changes the conclusions one draws on each of the issues listed above. This paper addresses in summary form the four issues listed, examines their application under the reinterpreted instruments and discusses some of their implications for establishing durable solutions for Palestinian refugees.

### *International Refugee Law Principles and Instruments Applicable to Palestinian Refugees*

The primary international instrument governing the rights of refugees and the obligations of States towards them is the 1951 Convention Relating to the Status of Refugees. This Convention and its 1967 Protocol incorporate the most widely accepted and applied definition of refugee, and establish minimum guarantees of protection towards such refugees by States parties. The Refugee Convention and Protocol define a refugee as a person who is outside the country of his nationality and is unwilling or unable to obtain the protection of his country owing to a well-founded fear of persecution for reasons of race, religion, nationality or membership of a particular social group or political opinion. However, the Convention has a separate provision that applies solely to Palestinian refugees. Refugee Convention article I (D) states:

> "This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.
>
> "When such protection or assistance has ceased for any reason without the position of such persons being definitively settled in accordance with the relevant resolution adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention."

Although Palestinian refugees are not specifically mentioned in this provision, it is evident both from the drafting history and the interrelationship of article I (D) with three other instruments that Palestinians are the only group to which the Article applies. These other instruments are the Statute of the UNHCR, the Regulations governing UNRWA, and General Assembly resolution 194 (III) establishing the United Nations Conciliation Commission for Palestine (UNCCP).

Paragraph 7 of the UNHCR Statute provides that "the competence of the High Commissioner...shall not extend to a person: .... who continues to receive from other organs or agencies of the United Nations protection or assistance." The "other agencies of the United Nations" originally referred both to UNRWA and to the UNCCP. The significance of the language in these provisions lies primarily in the distinction between "protection" and "assistance", which are dramatically different concepts in refugee law. UNRWA's mandate is solely one of providing assistance to refugees' basic daily needs by way of food, clothing and shelter. In contrast, UNHCR's mandate, in tandem with the provisions of the 1951 Refugee Convention, establishes a far more comprehensive scheme of protection for refugees qualifying under the Refugee Convention. This regime guarantees to refugees all the rights embodied in international conventions, and mandates the UNHCR to represent refugees, including intervening with States on refugees' behalf, to ensure such protections to them. Aside from the distinction between the mandates of UNRWA and UNHCR, the refugee definition applicable to Palestinians is different and far narrower under UNRWA Regulations than the Refugee Convention definition. Consistent with its assistance mandate, UNRWA applies a refugee definition that relates solely to persons from Palestine meeting certain criteria that are "in need" of such assistance.

Although UNRWA was not authorized to serve the protection function given to the UNHCR, this was not because the United Nations General Assembly believed that Palestinian refugees were any less deserving of protection. The Palestinian refugee situation was considered of such import that a separate "protection" agency was established for the sole purpose of resolving the Palestinian refugee crisis. This agency was the United Nations Conciliation Commission for Palestine (UNCCP). The General Assembly established the UNCCP by resolution 194 (III), setting forth its composition and terms of reference. The resolution provided for the UNCCP to comprise three States Members of the United Nations, who were to continue the efforts of the United Nations Mediator on Palestine and begin conciliation efforts immediately. The UNCCP was further instructed to "take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them"—specifically, according to resolution 194 (III), to ensure repatriation and compensation.

Thus, the UNCCP was entrusted with the protection function normally assigned to the UNHCR, but with a very specific mandate concerning the requirements of a just resolution of the Palestinian refugee problem. Every recommendation to the UN, every UN resolution concerning the Palestinians drafted when UNCCP, UNHCR and UNRWA were created, affirms that the consensus of the world body was that resolution of the Palestinian problem had to involve realizing the refugees' right of return to their homes and to appropriate compensation for their losses. The UNCCP struggled to fulfil its mandate. Its efforts were stymied by a complete stalemate: the Arab States and the Palestinians demanded full repatriation, while Israel refused to accept any repatriation of the refugees. Thus, within four years of its formation, the UNCCP devolved from an agency charged with the "protection of the rights, property and interests of the refugees" to little more than a symbol of UN concern for the unresolved aspects of the Arab-Israeli conflict.

### *A Reinterpretation of the Regime Applicable to Palestinian Refugees, and the Impact of Reinterpretation on the Search for Durable Refugee Solutions*

According to the widespread interpretation of these instruments and the mandate of these agencies, Palestinian refugees are entitled to nothing more than assistance for their basic quotidian needs through the offices of UNRWA; they are left outside the mandate of protection of UNHCR and the Refugee Convention; and with UNCCP's protection mandate emasculated, they are left without any of the protection mechanisms or guarantees to which all other refugees in the world are entitled. Certain consequences flow from this standard interpretation of the Palestinian refugee regime. These include that no agency (since none has a viable protection mandate) has the authority to intervene on behalf of Palestinian refugees to represent their interests in any international forum or to protect their human rights against infringement by States, or to negotiate on their behalf to demand a just solution to their refugee situation. In addition, since this interpretation assumes Palestinians are left outside the Refugee Convention regime as long as UNRWA continues to provide assistance, they are not eligible for the guarantees of that Convention in the Arab States, including absorption and citizenship. A corollary to this premise is that under the most prevalent interpretations of article I (D) by non-Arab States (mostly European and North America) the majority who apply are also considered ineligible for permanent resettlement as refugees or asylees in third States. A final consequence of this special Palestinian refugee regime is that there is neither a representative for the refugees with authority to take their claims to international forums nor is there a forum with jurisdiction over their claims of repatriation, compensation or restitution.

There is now substantial evidence that the prevalent interpretation of these instruments and relevant agency mandates is incorrect. As this author has argued exhaustively elsewhere, the history and purpose of article I (D) in the context of the creation of the Palestinian refugee problem indicates that the *ipso facto* language was intended to provide Palestinian refugees with continuity of protection, albeit under various organizations and instrumentalities. Rather than interpreting article I (D) -- along with paragraph 7 of the UNHCR Statute and the UNRWA Regulations—as an exclusion clause, it is more accurate to interpret it as a contingent *inclusion* clause. This interpretation is far more consistent with the plain language, drafting history and applicable canons of treaty construction of the relevant provisions referred to above. Such an interpretation is grounded, as well, on two main factors. First, the UN body has recognized through hundreds of resolutions that it bore a large part of the responsibility for creating the refugee situation in the first place by way of General Assembly resolution 181 (II) of November 1947, recommending the partition of Palestine. Second, the Palestinian refugee problem was to be resolved on the basis of a special formula, that of repatriation and compensation--on which there was complete consensus by all States but Israel-- rather than the formula commonly accepted for refugees at the time, which was third-State resettlement. The consensus of the world body, as is evident from the drafting history of the Refugee Convention and related instruments, was that the Palestinian refugee situation required special attention because of the unique responsibility of the UN in creating it, and was of such urgency that it should not be subsumed under the existing refugee regime, but required a ***heightened protection regime***. The discussions in the drafting history of the 1951 Refugee Convention, the UNHCR Statute, and the Committee and Conference that drafted the 1954 Convention relating to the Status of Stateless Persons provides ample evidence for such a conclusion.

Viewing the instruments in this way completely alters the conclusions one draws to the questions raised here at the outset. As to the first question, that of what type of *protection* Palestinians are guaranteed under international refugee law, as opposed to the *assistance* they receive as refugees, article I (D) in the context of a regime of heightened protection requires that they receive *at a minimum* the full panoply of protection rights as all other refugees in the world. Appropriately analysed, the heightened regime set up two agencies with immediate mandates over the Palestinian refugees: UNRWA, which was to be the assistance agency, and UNCCP, which was to be the protection agency. Article I (D)'s function was to ensure that if for some reason *either* of these agencies failed to exercise its role before a final resolution of the refugee situation, that agency's function was to be transferred to the UNHCR, and the Refugee Convention would fully and immediately apply without preconditions to the Palestinian refugees. That is what the 'protection *or* assistance' and the *ipso facto* language of article I (D) requires. The ramifications of this are quite clear: first, if UNCCP has failed to fulfill its protection mandate, that function must be fulfilled by UNHCR. UNHCR has for quite some time expanded its protection mandate over Palestinian refugees in some situations, in *de facto* if not explicit recognition of this requirement. The protective duties of UNHCR spelled out in its Statute thus applicable to Palestinian refugees include:

(a) Promoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto;

(b) Assisting governmental and private efforts to promote voluntary repatriation or assimilation within new national communities;

(c) Promoting the admission of refugees, not excluding those in the most destitute categories, to territories of States;

(d) Endeavouring to obtain permission to transfer their assets, and especially those necessary for resettlement.

Thus, UNHCR is fully empowered to oversee and implement the appropriate Conventions and resolutions relating to the rights and enforcement of solutions for the Palestinian refugees. Second, if the UNCCP ceases to function (as it has), triggering the alternative regime under article I (D), then the Refugee Convention and all its guarantees towards refugee becomes fully applicable to the Palestinian refugees as well. These guarantees include rights to freedom of movement, access to courts, administrative assistance, regarding movable and immovable property, freedom of religion and housing rights, among many others.

The second question flows logically from the first, that is, what is the extent to which Palestinian refugees can assert guarantees of *international human rights* and *humanitarian law* protections? The answers to question one begin to answer this question as well: at an absolute minimum, all international human rights and humanitarian protections available to other refugees are equally available to Palestinian refugees. In addition, refugee law principles applicable to other refugee situations are applicable to the Palestinians as well. These principles include the guarantee that the options for permanent solutions available to refugees will be guided by each refugee's *voluntary choice* in determining which of the three main durable solutions s/he wishes to exercise for him/herself. In fact, in delineating durable solutions, UNHCR describes them as voluntary repatriation, voluntary host country absorption or voluntary third-country resettlement. Refugee law principles and precedents also include the right to claim restitution of property, and/or compensation for losses caused by the refugee-producing State. In the last 20 years the principles on refugee return, restitution and compensation have been greatly strengthened through inclusion in numerous negotiated settlements, such as the Comprehensive Plan of Action in the Indochinese refugee situation; the Bosnia-Serbia settlements in the Dayton Peace Accords; and the peace agreements on Guatemala and El Salvador.

But the heightened refugee regime for Palestinians requires the application of an additional body of declaratory principles, that of the numerous UN resolutions which are to be implemented in any final resolution of the refugee problem. The legal effect of these resolutions, which include on the refugee issue General Assembly resolutions 194 (III) and 181 (II), has been discussed at length elsewhere, but is relevant to the body of rights and principles applicable to the Palestinians as refugees. The resolutions establish a body of legal authority reflecting the consensus of the world community that, *in addition* to standard refugee law and rights, the Palestinian case is to be resolved in accordance with a particular agreed-upon solution, that of repatriation and compensation. Article I (D)'s language - "without the position of such persons being definitively settled in accordance with the relevant resolution adopted by the General Assembly of the United Nations" - emphasizes that Palestinian refugees continue to be entitled to Refugee Convention benefits under the special scheme because their situation is not resolved unless the solution is consistent with the UN resolutions. This also means that if Palestinian refugees obtain residence in host or resettlement States, their right to exercise the choice of repatriation or compensation is not necessarily compromised because their position has not been "definitively settled in accordance with the relevant resolutions". The fact that General Assembly resolution 194 (III) has been reaffirmed over 100 times is strong evidence of its authority as customary international law on the Palestinian refugee question.

As to the third question, that of which entity or agency has the authority to *represent* the interests of Palestinian refugees, one must first recognize that the special regime requires that a separate agency be empowered with the capacity to stand in the shoes of the Palestinian refugees. With that premise, if the UNCCP is not capable of carrying out such a mandate, the obvious choice—effectuating article I (D) —is the UNHCR. Indeed, UNHCR has a clear mandate to represent refugees in most international forums in negotiations over durable solutions for refugees, and in bilateral or multilateral committees or task forces. The International Court of Justice has recognized in its advisory opinion on *Injuries Suffered in the Service of the United Nations* that the UN has the capacity to bring an international claim against a State with a view to obtaining reparation for damage caused to its agent or to the "interests of which it is the guardian". Under the theory of this advisory opinion, UNHCR, as a UN subsidiary body, has the right to represent the interests of refugees before that body. Although UNRWA has been present in an observer capacity in the committees established by the multilateral negotiations under the Madrid agreement and the bilateral negotiations begun at Oslo, its presence has been protested by Israel, and it currently does not have the capacity to represent the refugees by the terms of its own Regulations. A final possibility for representing the refugees is creating separate bodies directly authorized by the refugees to carry out their wishes. Examples are the various Jewish groups that negotiated for restitution and compensation with the European Nazi States following World War II. Another example is the World Organization of Jews from Arab Countries, which represents the interests of those individuals in their claims for restitution and compensation against the Arab States.

The issue of representation of the Palestinian refugees is critical and urgent vis-à-vis the final status talks. The PLO, which is conducting the negotiations on behalf of Palestinians, represents the interests of all the stakeholders on the Palestinian side. Thus, the PLO is not the appropriate representative of the refugees' interests, particularly as in the Palestinian case individual refugee interests may be diametrically opposed to the collective rights of the Palestinians, and to other stakeholders in the process. Under refugee law principles, the interests of refugees should be separately represented in negotiations involving their long-term solutions. Under the heightened protection regime established for the Palestinian refugees, the representation issue must immediately be resolved by way of one of the options suggested here.

As to the last issue, whether individual human rights recognized under international law can be protected and promoted in the Palestinian refugee case when such rights collide with collective rights, the Palestinian case appears unique in this regard. It is unique in that in no other refugee situation has the entire population been deprived of nationality as well as access to the entire territory comprising their former State. The UN resolutions on the Palestine question follow two different tracks: initially, they focused on individual rights; and then, in the 1970s, the resolutions called for a solution focusing on the collective right of self-determination of the Palestinian people. Based on the premise that Palestinian refugees are entitled to benefit from the precedents established in other refugee situations, one can apply the formulae used in similar cases where both individual and collective rights are involved. In each such situation—Bosnia and Kosova are prime examples—the collective rights to an independent entity or statehood were preserved, along with a mechanism for individual refugees to assert their claims to repatriate and obtain restitution and/or compensation. Each of these situations involved the establishment of claims commissions as part of a negotiated settlement, but the right of the individual to assert his/her claim was preserved independently of the outcome of the self-determination issue.

*Conclusion*

Accurately interpreting article I (D) of the Refugee Convention and the provisions related to it in the UNHCR Statute, the UNCCP resolution and the UNRWA Regulations compel the conclusion that a heightened protection regime was intended—and, indeed, established—for Palestinian refugees. Although it is not possible to do more than summarize the bases for the conclusions drawn here, and their consequences for the Palestinian-Israeli final status talks on the issue of refugees, it is critical to assess the overall refugee law framework in which a final resolution of the Palestinian refugee question must be found. There is no evidence that a weakened protection system was ever envisioned for Palestinian refugees by the drafters of the relevant instruments. Moreover, there is no legal justification for denying Palestinian refugees the benefits of the existing refugee regime governing the rights of all other refugees worldwide. To be consistent with international refugee law principles and precedents, certain immediate issues must be addressed. *One*, an agency or entity fully competent to represent the interests and further the claims of the refugees must be immediately empowered to do so, both in the context of the negotiations themselves and before international and other forums. *Two*, the alternative scheme of article I (D) must be recognized as affording Palestinian refugees full benefits under the Refugee Convention, including access to the right of asylum and residence in whatever State they find themselves until they can exercise their rights of return, compensation and restitution, in accordance with the relevant UN resolutions. *Three*, UNHCR, as the appropriately mandated agency, must immediately intervene with Israel and with other State signatories to the Refugee Convention in which Palestinian refugees are found to demand the protection of the refugees and prevent further erosion of the refugees' human rights pending a final resolution of their status. This may include the agency's utilizing the ICJ's advisory opinion to make claims before that body until there is a fully sovereign entity empowered to raise such claims on the refugees' behalf. *Four*, UNHCR or the agency chosen to represent the refugees should draft its own framework for durable solutions based on the appropriate UN resolutions on the question, and make clear to all stakeholders that an agreement not based on these resolutions embodying the consensus of repatriation, restitution and compensation will not be acceptable to the refugees. *Five*, refugee communities themselves need to become aware of the legal framework available to them in order to accurately assess options and possibilities for raising their own claims within and outside the context of negotiations. Only within such a framework can a just and durable solution to the Palestinian refugee situation be found.

## IV. PLENARY II

## THE UNITED NATIONS AND PALESTINE REFUGEES

- **The rights of Palestine refugees in international law and the role of the United Nations as a guarantor of international legitimacy**
- **Efforts of the United Nations at resolving the refugee issue; the work of UNCCP**
- **The role of UNRWA in providing relief, social services and development assistance to Palestine refugees**
- **The rights of the Palestinians displaced as a result of the June 1967 hostilities**

### HUSSEIN HASSOUNA

Permanent Observer for the League of Arab States
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I would like at the outset to express my deep appreciation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for organizing this International Conference on a subject of great importance, not only to the brotherly Palestinian people but also to all the peoples of the entire Middle East region, and indeed to the world at large. The holding of this meeting at the headquarters of UNESCO is of particular significance since the topic of our discussion relates to an important aspect of UNESCO's mission, namely the dissemination of universal values of justice, freedom and human dignity.

At the dawn of this new millennium, the international community has constantly expressed its concern for the plight of civilians in armed conflicts, for the fate of refugees victims of internal strife or outside intervention, for the serious breaches of international humanitarian law associated with those situations. This has been the case regarding African refugees, Albanian refugees of Kosovo and refugees from East Timor. But while the plight of refugees in all parts of the world has been a source of great international concern, the plight of the Palestinian refugees has always assumed in the eyes of the international community a particular importance emanating from the specificity of this human tragedy which lies at the core of the Palestinian problem. This was clearly demonstrated when the international community decided not to include the refugees from Palestine in the mandate of the United Nations High Commissioner for Refugees, but rather to create in 1949 a special United Nations organization (UNRWA) to provide them with basic assistance; also, when it decided in 1951 to exclude Palestinian refugees who were assisted by UNRWA from the 1951 Convention relating to the Status of Refugees. This special situation confirmed the fact that the Palestine refugee problem is a sui generis case distinct from other refugee problems, and that the United Nations assumes a direct responsibility towards the Palestine refugees pending their repatriation to their homeland in accordance with United Nations resolutions.

The rights of the Palestine refugees were first recognized by the United Nations in 1948, when the General Assembly in its resolution 194 (III), adopted at its third session on December 11, 1948, resolved that the Palestine refugees wishing to return to their homes should be permitted to do so, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to such property. Since the adoption of that basic resolution in 1948, the Palestinian rights of return and compensation have been reaffirmed by the General Assembly year after year in subsequent resolutions, the last of which was adopted during the fifty-fourth session on December 6, 1999. And although those resolutions are considered from a technical point of view as mere recommendations, their adoption year after year over the past half century, and by an overwhelming majority of the United Nations membership, endows them with considerable political and legal authority and moral weight. They have indeed become evidence of the international community's acknowledgement of the existence of such rights and of the necessity of their implementation.

The right of return of the Palestinian refugees, first given international recognition by the United Nations in 1948, derives further legality through the recognition of the right of return to one's country in the relevant international instruments on human rights, such as the Universal Declaration of Human Rights, approved by the General Assembly on December 10, 1948, and the International Covenant on Civil and Political Rights, approved by the General Assembly on December 16, 1966, as well as the Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in 1965. In invoking their legitimate right of return in the context of those international instruments, the Palestinian refugees underline in fact their predicament, namely that they have been subject to two violations: violation of their right to stay in their country when they were illegally expelled from it and violation of their right to return to their country.

The importance attached by the General Assembly to the implementation of the right of return of the Palestinian refugees is well reflected in the course it took in 1949 when admitting Israel to membership in the United Nations: it did so only after taking note of the declaration of Israel before the ad hoc political committee in respect to the implementation of the Assembly resolution calling for return of the Palestinian refugees. This was in fact an evidence of the international community's conviction that the Palestinians had been illegally expelled during the process of replacing the Arab majority in Palestine with a Jewish majority in the newly created State of Israel.

In conjunction with the right of return of the Palestinian refugees, the General Assembly also recognized in 1948 their right to compensation for their property, in case they chose not to return and for any loss or damage to such property. This right under resolution 194 (III) of December 11, 1948 is to be implemented according to principles of international law and equity. For an application of the principle of compensation, we may refer to a number of precedents relating to the Second World War. Thus in the former Axis and Axis-occupied countries various laws were promulgated in 1944 and 1945 for the restitution of property or compensation to be paid to the victims of Nazi measures. Likewise, in the zone of Germany that was under United States jurisdiction, a general claims law was passed in 1949 which provided for restitution to the victims of Nazi action in respect of damage to their possessions and property. More recently, the principle of compensation has been invoked for the restitution of former Jewish assets in Swiss banks.

As to the compensation for the Palestinian property, its evaluation can be determined in the light of the information contained in relevant documents and materials in possession of the United Nations Conciliation Commission for Palestine. Such documents include microfilms of land registers received from the Mandatory Government, forms of identification of property parcels including individual valuation figures, and an index of owners' names which provides means of direct reference to the holdings recorded in the name of each owner.

The Palestinian refugees have further a valid claim under international law to repatriation and compensation in accordance with the law of war applicable to all hostilities. Under that law, an occupant is under the obligation to spare the civilian population and consequently his refusal to allow repatriation or compensation entails a violation of that law. Moreover, under international humanitarian law, States Members of the United Nations are entitled to protest against the non-repatriation of or compensation for the Palestinian refugees on the basis of human rights violations falling within the scope of the relevant international instruments on the protection of human rights. And in supporting these Palestinian rights, the United Nations has acknowledged its overall responsibility in a flagrant case of denial of human rights.

In spite of the validity of the Palestinian refugees' claim to repatriation and compensation under international law, whether under United Nations resolutions or the law of armed hostilities or international humanitarian law, Israel has constantly rejected their legitimate claim. At the same time, the Israeli Government has adopted internal legislation aimed at legalizing the expropriations of Arab property, as well as guaranteeing to all Jews the right to emigrate to Israel, while denying the right of return to the Palestinian refugees. In all objectivity, can there be a more flagrant case of double standards in dealing with legitimate claims?

From our previous analysis of the legal status of the Palestinian refugees, we may draw the following conclusions:

First: The solution of the Palestinian refugees problem is a main component of any comprehensive settlement of the Middle East conflict, since it lies at the root of the Palestinian problem since 1948.

Second: Any solution of the Palestinian refugees problem must be based on fundamental principles of international law and justice, in order to be an acceptable and lasting solution. Among those principles: the right to return to one's country, the right to compensation for dislocation and lost property, the principle of non-refoulement, the prohibition on mass expulsion, the illegality of forced population transfers, the concept of state responsibility, etc.

Third: The United Nations' responsibility towards the Palestinian refugees problem in the light of its overall responsibility in regard to the Palestinian question, from the time it was brought before the world Organization by the Mandatory Power over Palestine in 1947, and until its final settlement in accordance with international legitimacy.

Fourth: Any settlement of the 1948 Palestinian refugees problem, as distinct from the problem of displaced Palestinians in 1967 must be in implementation of General Assembly resolution 194 (III) providing for repatriation or compensation, and whose legal and political authority stems from its constant reaffirmation over the years, while it was further reinforced by Security Council resolution 242 (1967) calling for the achievement of a just settlement of the refugee problem.

Fifth: The right of return of the Palestinian refugees consists of their right as individuals to return to their original homes from which they were expelled in 1948 and not merely to the new Palestinian State to be proclaimed in the year 2000. And that basic right cannot be negated or substituted by the right to compensation for their lost property, which in turn cannot be conditional upon Israel's whim.

Sixth: Israel bears a historical responsibility for creating the problem of the Palestinian refugees, and continues to carry the responsibility for its just solution. That responsibility should be acknowledged by Israel since the practical means for a solution to the problem depend on such determination.

Finally, I believe that an agreement between the parties to the final status negotiations on those fundamental principles and basic concepts would provide the best ingredient for a just solution to the Palestinian refugees problem, which remains a prerequisite for the establishment of a lasting peace in the Middle East, an aspiration shared by all the peoples in the region.

## LIONEL BRISSON

Director of Operations,
representative of the Commissioner-General of UNRWA

### The role of UNRWA in providing education, health and relief and social services to Palestine refugees

### The evolution of UNRWA

In four days' time (1 May 2000), UNRWA will mark 50 years of field operations. The Agency's creation was one of the first examples of the new United Nations' humanitarian outreach to relieve the suffering of those affected by hostilities. Following the 1948 Arab-Israeli conflict, UNRWA was established by the UN General Assembly (resolution 302(IV) of 8 December 1949) to carry out direct relief and works programmes for Palestine refugees. At the outset, UNRWA focused on relief operations such as the distribution of material assistance, including food and temporary shelter. During the subsequent five decades, as the refugee issue remained unresolved and the region witnessed further conflicts, UNRWA's role changed. Concrete shelters replaced tents, and refugee camps were established. Alongside its continuing relief assistance, the Agency also began to deliver basic education and health services, vocational training and income-generation initiatives, and to support the development of community-based services for women, youth and the disabled. The early emphasis on emergency assistance gave way to the investment in human development we see today.

### UNRWA services today

When UNRWA began its operations in 1950, there were some 900,000 registered Palestine refugees. Now there are some 3.7 million registered refugees in the five fields of operation in Jordan, Lebanon, the Syrian Arab Republic, and the West Bank and Gaza Strip. In addition to being the only UN programme dedicated to a single group of people, UNRWA is also one of the largest United Nations programmes, employing some 22,000 staff and operating or supporting some 900 facilities. UNRWA is very much a hands-on UN operation, providing its education, health and relief and social services for the most part directly to the beneficiaries, in parallel to public-sector services delivered by the host Governments in the region.

The UNRWA-UNESCO **education programme** is the largest single area of activity, absorbing more than half of the Agency's total expenditure in 1999. Around half a million children are enrolled in UNRWA's 647 schools at the preparatory and elementary level in the five fields, and in the three secondary schools in Lebanon. Education is free to all eligible refugees, and gender parity is maintained in its schools. The curriculum used is the same as that of the host authorities. Pupils attending Agency schools continue to achieve results comparable to, or better than, their counterparts in government schools. Eight vocational and technical training centres equip young refugees with marketable skills – UNRWA pioneered advanced training for women in the region – and a teacher training programme ensures sufficient qualified teachers for Agency schools.

Under the technical supervision of WHO, UNRWA offers primary **healthcare** to registered refugees through a network of 122 outpatient facilities. Services provided include outpatient medical care immunization, disease prevention and control, mother-and-child family health, family planning advice and health education. UNRWA also offers assistance towards secondary care, especially emergency and lifesaving treatment. Environmental health services for the 1.2 million refugee camp residents include sewage disposal, provision of safe drinking water, collection and disposal of refuse, management of storm water runoff and control of pests. Through its wide range of services, UNRWA has recorded some significant successes, for example by meeting WHO targets ahead of the deadline and pioneering the use of oral rehydration therapy – a treatment used widely today by WHO and UNICEF.

The Agency's **Relief and Social Services programme** supports more than 2000,000 Palestine refugees unable to meet their own basic needs and promotes the self-reliance of the refugee community through community social development. Direct material aid is given to destitute families to cover food, shelter and other basic needs. UNRWA provides technical and financial support to 128 locally managed women's programmes, community rehabilitation and youth activities centres which provide a range of social services to the refugee community. The Relief and Social Services Department also registers refugees and carries out assessments of eligibility for UNRWA services.

UNRWA's **Income-Generation Programme** (IGP) aims to create sustainable job opportunities in the West Bank and Gaza Strip through the provision of working capital loans at commercial interest rates to micro-enterprises, small businesses, and to women in the solidarity group lending scheme. Since its inception in 1991, the programme has provided almost 27,000 loans valued at close to US$ 38 million. The IGP has grown to be the largest supplier of financial services to the micro-enterprise sector in the West Bank and Gaza Strip, where it holds more than 40 per cent of the market share of micro-enterprise loans offered by banks and NGOs. In recognition of its achievement in this field, the Agency's microfinance programme won the 1999 Arab Gulf Fund prize for pioneering development projects.

### UNRWA and its regional context

UNRWA has attained a symbolic meaning for the Palestine refugees, who view the Agency as the tangible expression of the international community's support for their plight. While many refugees still continue to live in desperate conditions, the Agency's basic services, especially its education, health and relief services, have alleviated suffering and built strong foundations for the refugees to participate in the local economy and lift themselves out of the cycle of poverty. It is this investment in human capital, boosted by the tireless efforts of the refugees themselves, which is perhaps the Agency's most notable achievement over the last 50 years.

UNRWA is not a direct participant in the Middle East peace process, but it continues to make a contribution to supporting peace. Following the signature of the Israeli-Palestinian Declaration of Principles in 1993, UNRWA introduced the Peace Implementation Programme, aimed at making the results of the peace process felt at the local level by improving infrastucture, creating employment and enhancing socio-economic conditions for Palestine refugee communities. As of June 1999, UNRWA had received over US$ 225 million in pledges and contributions for 386 projects.

UNRWA operations are financed almost entirely by voluntary contributions from Governments and the European Union, which account for 95% of all income. Four per cent of income is from United Nations bodies to cover staffing costs, including the funding of 98 international staff posts by the UN Secretariat. The Agency's budget for 2000 is US$ 360 million. UNRWA is fortunate to have enjoyed the continuing support of donors through 50 years, especially now when other UN bodies are suffering from a decline in funding, reflecting a general reduction in overseas development assistance. However, the Agency continues to face a critical financial situation, exacerbated by years of under-funding of the budget. Donor contributions, though steady, have not kept pace with the needs of the growing refugee population. For example, the budget for the biennium 1998-1999 was US672 million each year. This means that UNRWA cannot expand services as it would wish. Instead has to work harder each year just to make ends meet and to maintain services at a basic level. Spending per refugee has declined from $200 in the 1970s to around $70 now.

Financial problems can have repercussions beyond the accounting perspective. Some have ascribed UNRWA's financial difficulties to a deliberate plot by the international community to wind down the Agency in advance of a comprehensive peace settlement. Over the years, Member States of the UN General Assembly have reiterated that it is vital that the Agency's operations be maintained until a political solution to the refugee issues means its work is done. By providing basic services at the heart of the refugee community, UNRWA continues to offer a source of stability alongside its many achievements in a turbulent region. It would be a real loss if such achievements were to be put at risk due to the financial strangulation of the Agency.

### The future of UNRWA

As UNRWA turns fifty, its continuing existence means that the refugee problem has still not been resolved. That is no cause for celebration. Until a comprehensive peace settlement is reached, UNRWA will continue to strive to provide the best services it can within available resources. And its ability to deliver will depend in large part on the amount of financial and political support it receives. UNRWA hopes that this conference, and the other information activities of the United Nations, will highlight the great needs which still exist on the ground and away from the headlines. Thank you for giving UNRWA the opportunity to participate.

## MUSTAPHA DJEMALI

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Office of the United Nations High Commissioner for Refugees
Geneva

### UNHCR and Palestine refugees

Allow me, first of all, to extend UNHCR's appreciation for providing us such an opportunity to participate in this important Conference. I am sure that your deliberations will help enhance the current international discussions aimed at finding solutions to address Palestine refugees' problems. From the outset, let me stress that in our mind there is no doubt that UNRWA is the main UN agency in charge of the Palestine refugees.

In the aftermath of World War Two, the international community embraced the necessity to cater for the then rising needs of refugees. The UN General Assembly adopted resolution 319 (IV) on 3 December 1949 on the establishment of a High Commissioner's Office for Refugees as of 1 January 1951. Subsequently, the Statute of the Office was adopted by the General Assembly on 14 December 1950 in its resolution 428 (V).

Palestinian refugees have been meant to be of concern to another subsidiary organ, UNRWA, which was concomitantly set up on 8 December 1949. Therefore, article 7, paragraph (c), of the UNHCR Statute excludes from UNHCR's mandate a person "who continues to receive from other organs or agencies of the United Nations protection or assistance". The Palestinian refugee issue was then present in the minds of all concerned.

Provided that they do not fall under any cessation or exclusion clauses, Palestine refugees who are outside UNRWA's zone of operations may be considered by UNHCR on prime facie grounds as fulfilling the inclusion provisions of the Statute, article 6, paragraph (b). The latter indeed covers a person who is "outside the country of his nationality, the country of his former habitual residence, because he has or had well-founded fear of persecution by reason of his race, religion, nationality or political opinion and is unable or, because of such fear, is unwilling to avail himself of the protection of the Government of the country of his nationality, or, if he has no nationality, to return to the country of his former habitual residence."

Similarly, based on article I, paragraph (D), of the 1951 Convention on the Status of Refugees, Palestinians who are outside UNRWA's area of operations and for whom such protection or assistance from UNRWA has ceased for any reason are to be considered ipso facto refugees. The travaux préparatoires of the 1951 Convention were also indicative of the care that the international legislator took in addressing the Palestinian refugee problem.

UNHCR has had an active involvement with Palestinian refugees, in close cooperation with UNRWA.

Overall, UNHCR has legally assisted Palestinian refugees who find themselves outside UNRWA's area of operations with the authorities of countries of asylum. In the meantime, UNHCR has consistently made representations with UNRWA on behalf of Palestinian refugees in view of the extension of their registration with the sister agency.

In countries signatory to the 1951 Convention on the Status of Refugees, UNHCR has systematically provided legal assistance and played an advisory role for Palestinians who sought protection in these countries.

On a number of occasions, the Office was concerned at the difficulties encountered by Palestine refugees outside their country of asylum in renewing their travel documents. UNHCR then considered that, pending the results of démarches of the concerned countries, they should not be exposed to difficulties due to the expiration of their travel documents. UNHCR offices worldwide were therefore requested to bring this problem to the attention of the authorities and requested them to permit the Palestinian refugees concerned to remain in the country until such renewal had been granted.

A refugee is a person who has lost the protection of his/her national Government. Therefore, there is a need to replace this loss by an international protection (asylum, rights and solutions). UNHCR is the UN agency entrusted with a universal protection mandate. Thus, the UNHCR Executive Committee at its 1987 session expressed "concern about the lack of adequate international protection for various groups of refugees in different parts of the world, including a large number of Palestinians, and hoped that efforts would be undertaken within the United Nations system to address their protection needs".

More importantly, the High Commissioner issued in September 1995 a joint statement with the UNRWA Commissioner General in the aftermath of the forced movement of a group of Palestinians to the no man's land between two countries in the region. UNHCR and UNRWA provided assistance to the then stranded Palestine refugees in order to ease their plight, both by providing food and shelter and by interceding on a humanitarian basis with other States in the region in order to obtain transit and residence facilities. After intensive discussions with the concerned authorities, led by UNRWA and UNHCR alongside other States and organizations, mainly the Arab League, the problem was finally resolved.

Understandably, there has been a rising concern of Palestine refugees at their future. The conscience of the international community is called upon with a view to bringing about a just and lasting solution and putting an end to accumulated frustrations and humiliations. Without a political settlement, there is no refugee solution. If ignored or neglected, the refugee population will continue to represent a source of unrest.

UNHCR's outstanding position is that voluntary repatriation remains the preferred solution in any refugee situations. During the 50 years of our existence, we have repatriated more than 35 million refugees to their countries of origin in Africa, Asia, Latin America and recently in Europe. It is overwhelmingly acknowledged that UNHCR has gained expertise in carrying out repatriation operations on a large scale. In this respect, the Office also drew considerable conclusions from lessons learned in its related operations in Cambodia and more recently in Mozambique.

In UNHCR's perspective:

1. The viability of any refugee repatriation hinges upon its voluntary character.

2. It should be implemented under conditions conducive for the return, mainly the safety of the returnees.

3. Such a voluntary return should also address the dignity of the returnees. In other words, it should be sustainable upon the refugee's return; otherwise, returnees may become internally displaced persons (IDPs), impeding stability and post-conflict development.

4. All parties concerned must agree upon the repatriation. Short of this concurrence, the repatriation process would face difficulties, if not blocked. The UNHCR-led repatriation operations are often the fruit of tripartite agreements between UNHCR, the country of asylum and the country of origin.

This said, Palestine refugees are rather at this juncture in need of a durable solution, although they may at times encounter protection problems. I would like to recall that, in discharging its protection functions, UNHCR promotes voluntary repatriation as the best durable solution. If this is not possible, the Office also endeavours to look at the resettlement of refugees in third countries or, alternatively, their local integration, in full coordination with the local authorities.

Historically, UNCCP vanished primarily due to a lack of political will to bring about a permanent legal solution. UNHCR has not been in a position to impose any durable solution on concerned parties in a given refugee situation. Our Office does not negotiate political settlements; rather it works out in close cooperation with all concerned implementations of durable solutions, which come as a result of political agreements.

I would like to assure you that UNHCR stands ready to lend support to the UN system and sister agencies in its search of satisfactory responses to the growing challenges posed by the Palestine refugee situation.

Permit me once again to wish you all success in your discussions.

**LAURA REANDA**
former United Nations official,
consultant, New York

## The work of the United Nations Conciliation Commission for Palestine

### Introduction

The Conciliation Commission for Palestine (UNCCP) is one of the oldest bodies of the United Nations; it is the only organ dealing with the Palestine question which has been continuously in existence since 1948. In its heyday, the scope of its activities encompassed the major political, legal and economic aspects of the issue. It was a key player in efforts to reach an overall settlement, engaging in consultations and negotiations with the parties to the conflict at the highest levels of government.

This role, however, was short-lived although the basic mandate has not been amended. By the early 1960s, following a series of setbacks and some modest achievements, the UNCCP concluded that that it could make no progress in finding a way acceptable to the parties for advancing a final settlement and, in particular, resolving the refugee question in accordance with its mandate. Since then, the UNCCP has undertaken no new initiatives and its annual reports to the General Assembly have been purely procedural.

Recently, however, attention has focused once again on a very important aspect of its work, namely, the programme of identification and valuation of refugee properties carried out by the Technical Office in the 1950s and 1960s in preparation for possible utilization in a compensation scheme. Although efforts to work out such a scheme were unsuccessful, the records have been carefully preserved in the UN Archives for almost 40 years. In 1996, the General Assembly recalled that this work had been completed in 1964 and requested the Secretary-General to take all appropriate steps for the protection of Arab property, assets and property rights in Israel and to preserve and modernize the existing records. As indicated in the most recent report of the UNCCP, this project is now nearing completion and the data could finally become available and be utilized within the framework of the peace process.

In addition to the property records themselves, much useful documentation exists in the UN Archives relating not only to the UNCCP's efforts to advance a solution of the refugee problem, but also on a variety of legal, economic and technical aspects.

Within the limits of this presentation, I will try to shed some light on this work, which was widely debated in its time but is barely known today, not least because the documents are still considered confidential and are rarely made available to researchers. In the following sections, I will examine the UNCCP's mandate; its conciliation and mediation efforts; the programme of identification and valuation of refugee properties; and the follow-up to that programme.

## I. ESTABLISHMENT AND MANDATE OF THE COMMISSION

General Assembly resolution 194 (III) of 11 December 1948 is considered a landmark in the protection of Palestine refugee rights because of its assertion that "the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible." The resolution is also important for its decision to establish the UNCCP and to entrust it with a broad mandate for a solution of the Palestine question.

It may be useful to recall that this resolution resulted from the debate on the highly controversial report submitted by the UN Mediator, Count Bernadotte, just before his assassination. The draft submitted by the United Kingdom underwent numerous amendments and revisions and was adopted by 35 votes in favour to 15 against, and 8 abstentions. The resolution has been subject to differing interpretations and the UNCCP in its early years devoted considerable effort to clarifying the meaning of certain of its provisions.

The UNCCP mandate included: conciliation and mediation between the parties on all outstanding questions; the preparation of detailed proposals for a permanent international regime for Jerusalem and the Holy Places; and facilitating the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation. The UNCCP was given wide authority to appoint subsidiary bodies and to employ technical experts as needed in order to carry out this mandate. Its headquarters were to be in Jerusalem. Its membership was set at three States Members of the United Nations, subsequently designated as France, Turkey and the USA, a membership which has remained unchanged to this day.

The Commission's overall approach to resolving the refugee question was based on the following interpretation of the relevant provisions:

(a) The General Assembly had laid down the principle of the right of the refugees to exercise a free choice between returning to their homes and being compensated for the loss of or damage to their property on the one hand, or, on the other, of not returning to their homes and being adequately compensated for the value of the property abandoned by them.

(b) A corollary principle emerged from the latter alternative, namely, that the refugees choosing not to return to their homes would be entitled to resettlement elsewhere, as indicated by the Mediator in his report.

(c) It followed, in the Commission's opinion, that the question of compensation was an integral part of the solution of the refugee problem based on the alternatives of repatriation or resettlement as envisaged by the General Assembly.

## II. CONCILIATION AND MEDIATION EFFORTS

In implementing its mandate, the UNCCP took the view that the political, economic and demographic situation had changed to the point where most of the refugees would be unable to return and might even be unwilling to do so if they were given information about the new circumstances. It therefore sought to promote a solution that envisaged, on the one hand, Israel's acceptance of return as a principle which, however, would involve limited implementation in practice, together with a commitment to payment of compensation; and on the other hand, the Arab parties' acceptance of the need to resettle the majority of refugees in their respective countries, together with provision of the necessary development assistance by the international community.

From its preliminary contacts with the parties in February 1949 through the Lausanne meetings of April-September 1949, resumed in Geneva in January-July 1950, and the Paris meetings of September-November 1951, the UNCCP actively pursued this approach. This history is well known and need not be repeated here.

Israel was not prepared to accept as a principle the refugees' right to free choice as contained in the resolution. In its view, the text linked the possibility of return with the establishment of peace, and therefore the issue could not be negotiated separately and outside the framework of a general settlement. Israel insisted that the real solution lay in the refugees' resettlement in Arab States. It also increasingly laid claim to all the territory under its control within the armistice lines. For their part, the Arab delegations were unanimous in rejecting Israel's territorial claims and demanding acceptance of the right of return of the refugees as a *sine qua non* for peace negotiations.

It is interesting to note, however, that the UNCCP was able to achieve some limited progress, in particular, the signing by all sides of the Lausanne Protocol in which it was agreed that the boundaries of the partition resolution would serve as the basis for discussion; a structuring of the agenda that emphasized the refugee problem while allowing for discussion of all outstanding issues; and Israeli offers to pay some form of compensation and to accept to resettle up to 100,000 refugees, subject however to a general peace agreement and to a variety of economic and security considerations. The UNCCP also succeeded in obtaining the parties' direct cooperation on some technical aspects, as described later.

Ultimately, the UNCCP's efforts at conciliation and mediation foundered on the irreconcilable positions of the parties on the fundamental issues, and a hardening of the respective stances following Israel's admission to the United Nations. In terminating the Paris conference, in November 1951, the UNCCP concluded that neither side was prepared to implement fully the resolutions guiding its work. This, together with the changes which had occurred in Palestine, had made it impossible to carry out its mandate, and this fact should be taken into consideration in any further approach to the Palestine problem.

The suspension of the UNCCP's active political role was confirmed by General Assembly resolution 512 (VI) of 26 January 1952, which placed the primary responsibility for reaching a settlement on the Governments concerned, although urging them to make full use of United Nations facilities and requesting the Commission to remain available to assist the parties in reaching agreement. Subsequently, the UNCCP reported that it had not been approached by the parties in this regard.

In the following years, the UNCCP shifted its approach towards intensifying its technical programme, in the hope that it would be possible to improve prospects for peace by bringing about concrete progress in some aspects of the refugees' situation, without prejudice to the positions of the parties on other aspects of the Palestine question. These measures are described in the next section.

## III THE COMMISSION'S TECHNICAL PROGRAMME

From an early stage, the UNCCP recognized that practical measures to protect refugee rights and to lay the groundwork for an eventual peace settlement were a necessary accompaniment of its political efforts. A number of technical subsidiary bodies were established over the years.

The Technical Committee on Refugees was set up in June 1949 within the framework of the Lausanne meetings. It collected information on the refugees and examined humanitarian and economic needs in the camps; it inspected the conditions of abandoned orange groves; and made a number of recommendations for action, including in particular the establishment of international machinery to handle repatriation and resettlement, and of mixed Arab-Israeli working groups under UNCCP auspices to deal with property conservation and compensation.

Only one such mixed group could be established, the Mixed Committee on the Question of Blocked Assets. Despite the difficult and lengthy nature of its negotiations, over the next decade the Committee succeeded in arranging for the complete release of Arab refugee accounts and safe deposit items blocked in banks in Israel.

The Economic Survey Mission was established in August 1949, within the framework of efforts to develop a 'Marshall Plan' for the Middle East which could help promote peace by facilitating the integration of the refugees into the local economies. As a follow-up to the work of the Mission, the General Assembly, in resolution 302 (IV) of 8 December 1949, established the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), to deal with the relief, resettlement and rehabilitation aspects of the refugee question. The Conciliation Commission remained responsible for problems relating to the return of the refugees and the payment of compensation in accordance with paragraph 11 of resolution 194 (III).

The Refugee Office (RO) was established pursuant to General Assembly resolution 394 (V) of 14 December 1950, which directed the Commission to make arrangements for the assessment and payment of compensation and for the implementation of the other objectives of paragraph 11 of resolution 194 (III), as well as for the protection of the rights, property and interests of the refugees. The Commission considered that this resolution marked a new and intensified phase in its efforts to develop practical measures for resolving the refugee problem.

The task of the RO was to make a preliminary assessment of total Arab losses in the hope that this would facilitate initiating concrete discussions with Israel. The assignment was completed in about five months. The RO relied primarily on a statistical publication of the Mandatory Government issued in 1945, which in its view contained the basic material both for ascertaining the extent of the land and for making a global assessment of its value. The study was based on the territorial situation as defined by the Armistice Agreements (except the demilitarized areas, the no man's land and areas where the population had not fled), or an approximate total of 16.3 million dunums. The estimate was based on the value of the land for its existing use, as measured by the revenue it would produce in accordance with the tax assessments; the statistics were adjusted as necessary to reflect a theoretical date of valuation of 29 November 1947. The date of partition was chosen because it marked the end of a period at which prices had been relatively stable.

Two sets of estimates were prepared, for immovable and movable property, which were published in the tenth progress report of the Commission. The total value of abandoned land, both rural and urban, was estimated at about £P100 million. No value was placed on uncultivable land outside urban areas, since it was not taxed and was not included in the records. This affected in particular the Negev and other desert areas, resulting in the exclusion from the valuation of over 70% of the geographical area covered in the study.

With regard to movable property, given the lack of information and technical difficulties in assessing what refugees had left behind, the RO confined itself to estimating the approximate value of the refugees' possessions prior to their exodus. Items such as industrial and agricultural equipment, commercial stocks, motor vehicles, livestock and household effects were taken into account. Using various methodologies, the RO reached the conclusion that the total value of this property was approximately £P20,000,000.

The RO also prepared an initial plan for the individual assessment of refugee properties which envisaged collecting detailed information from the refugees themselves and checking it against the records of the Mandatory Administration. Eventually, however, the adverse political circumstances resulted in a decision not to approach the refugees individually but to rely exclusively on documentary material. This task was assigned to the new Office for the Identification and Valuation of Arab Refugee Property (Technical Office - TO), whose work spans the years from 1952 to 1966.

The estimates prepared by the RO were strongly criticized by the Arab parties and the refugee representatives. Wishing to insulate its technical endeavours from the political debate, the UNCCP subsequently conducted its technical work in strict confidentiality, releasing only essential information. Most of the documentation covered in the following sections has not been made public and therefore only basic details can be given.

## IV. IDENTIFICATION AND VALUATION OF REFUGEE PROPERTIES

Despite the failure of its conciliation and mediation efforts and the growing political stalemate, the UNCCP was encouraged by Israel's offer during the Paris meetings to begin concrete discussions on the question of compensation. In the end, those discussions could not be initiated despite months of efforts by the UNCCP land expert. He was able, however, to secure cooperation by all sides in providing access to the basic documentation in their possession which was needed for the property identification and valuation project.

The TO's work proceeded in two stages. The first part of the project consisted of property identification, and was carried out both in New York and Jerusalem between late 1952 and August 1957. Its purpose was to create a record of individual Arab properties as of the end of the British Mandate, which could be used as a basis for verifying individual claims to ownership in a future compensation scheme. The second stage of the project was the valuation of the individual holdings as of the date of partition. This work was carried out in New York and was completed by 1964.

Like the global assessment by the Refugee Office, the project encompassed the territory held by Israel under the Armistice Agreements; in contrast to the earlier project, the identification was extended to embrace the no man's land and the demilitarized zone, but no attempt was made to distinguish between properties belonging to refugees and those that did not, in the expectation that this could be addressed at a later stage. The overall total included in the study was accordingly about 20.3 million dunums. The work was based exclusively on documentary information relating to individual properties assembled by the Mandatory Government, namely, the land registers, taxation records and records of transactions. The TO specifically rejected the use of hearsay evidence or unofficial information. Like its predecessor, the TO excluded most of the Negev from the project since no records existed, although noting that maps of the area indicated the names of Bedouin tribes that traditionally used it.

The essence of the work consisted in preparing a separate record form (RP/1) for each parcel of land owned by Arab individuals including partnerships, companies and cooperative societies, giving the most important particulars, namely: location, area, description of the property, name of owners and their shares, rural or urban property tax category, encumbrances, and particulars of any sale for two years prior to 1948. Record forms were also prepared for parcels of land owned by religious bodies, and those recorded as State Domain or owned by non-Arabs but in which Arabs had a recorded interest. For the purpose of ensuring that the process of identification was complete, lists (RP/3) were also prepared for land owned by the State, other public authorities, Jews and other non-Arab individuals.

Basic forms were prepared for approximately 453,000 Arab-owned parcels. In his final report, which was issued in an abbreviated version, the land expert noted that in the case of land that had been 'settled', namely surveyed and registered in accordance with law, the identification was based on the land registers and was definitive. This corresponded to about half the total land area outside of the Negev. However, in the case of 'non-settled' land, identification had to be based on taxation records and other relevant documents, and was less definitive. The report identified a number of special problems resulting from unclear or missing records, or relating to land held in common, where not every owner could be identified.

As regards the work of valuation, the TO, beginning in 1956, made analyses of sale prices and devised techniques of valuation in order to arrive at an opinion of the market value of each individual parcel as of the date of partition. The TO adopted two fundamental principles for this work, namely that the valuations must be consistent, and that they must be based on the evidence of actual market transactions.

Consistency was established by adopting the tax classifications for different areas as the main yardstick for comparing types of properties. For evidence of sale prices, the TO used the records of the British Registrar of Lands, and in order to obtain a sufficient spread in the information, it considered all the sales which had taken place in the two years prior to the valuation date. The estimate of value for each individual parcel was then extrapolated mathematically from an analysis of the sales data for different categories in different parts of the country.

In his report, the land expert described difficulties encountered in the valuation exercise and the methodology used to resolve them; at the same time, he expressed the view that all the factors which might affect value had been taken into account, and that the results were 'as fair and reasonable as the sources permit'. Finally, the data obtained through the identification and valuation processes were compiled in an archive of some 210,000 index cards under the name of each owner, arranged by sub-district, town and village.

The documents resulting from the work of the TO are the core of the modernization project currently under way, mentioned earlier.

## V. FOLLOW-UP TO THE TECHNICAL PROGRAMME

Subsequent to the completion of the identification and valuation project, the Commission invited comments by the parties and sought to engage them in a technical discussion. It also devoted considerable attention to ways in which it could facilitate payment of compensation. Following the failure of these initiatives, the Technical Office was closed in September 1966.

### Comments by the parties

The Arab countries strongly criticized the TO's work. With regard to identification of properties, they contended that the official records of the Mandatory Administration misrepresented the situation with regard to the description of Arab property and its ownership: traditional Arab rights to lands used in common but registered under the name of a government authority and to uncultivable lands had been overlooked; the vast majority of the Negev lands had not been included; and Arab rights to a fair share of the public property of the Palestine Government, most of which was in Arab-majority areas, had also not been taken into account. With regard to valuation, they argued that the taxation documents under-assessed the value of holdings because they ignored buildings and lands of low yield, and that the registration documents were not a true measure of value because the parties often understated the value of the transactions.

The Arab countries therefore found the report 'to be unacceptable for its inconsonance with reality and its unfairness to Arab rights,' as well as in contradiction with the letter and spirit of paragraph 11 of resolution 194 (III) and subsequent resolutions. In their view, the Commission was not entitled to consider compensation without repatriation.

The UNCCP files contain an unpublished response by the land expert, in which he essentially argued that his work had to be based on documentary evidence and that his critics had misunderstood both his methodology and the types of records used. Because his mandate was limited to the identification of individual ownership, common lands were included only to the extent that individual interests could be ascertained. Issues relating to government property and public domain, which also included most of the Negev, were outside his terms of reference and should be the object of political negotiations. He therefore advised the UNCCP that he found no serious errors or omissions in the technical programme of identification and valuation of Arab refugee properties.

### Compensation schemes

Even prior to the completion of the identification and valuation programme, the TO began studying legal, economic and technical aspects of possible compensation schemes. The UNCCP adopted a number of guiding principles for such a scheme, primarily that compensation should be paid to individuals and not Governments, and should be handled through the Commission or another international body. It was also recognized that any compensation scheme should entail a choice by the refugees, and should therefore be linked to a repatriation scheme, however limited in practice.

The most comprehensive and sustained effort to bring about a compensation plan was made in 1962, under the leadership of the UNCCP Special Representative, Dr. Joseph E. Johnson. He sought to circumvent the political stalemate by elaborating a scheme funded and administered through the United Nations which would be carried out in direct contact with the refugees, relying on existing resolutions and diplomatic immunities, with the acquiescence but without the active participation of the Governments concerned. His proposals, however, were not accepted by the parties and the Commission did not take action on them.

After the failure of the Johnson proposals, the TO continued to study ways by which the documentation collected through the technical programme could be utilized. In the light of the discussion in the Special Political Committee on a proposal to establish a custodian of Arab property, the land expert suggested various schemes by which the refugees could derive an income from their assets even if they did not control them. He also suggested reactivation of the Refugee Office, whose mandate was broader than the TO's and included protection of refugee rights, properties and interests. He also envisioned a hope that the TO might engage in an enlarged programme of expert studies on the different aspects of compensation.

One of the issues studied was an assessment of the total losses incurred by the refugees which should be considered in a final compensation package. Although the TO's mandate was limited to the identification and valuation of individual properties, it was argued that additional compensation would not only be equitable, but would also help meet some of the concerns expressed by the Arab side, would assist refugees who were not property owners and would contribute to the overall goal of promoting stability through economic development. The figures resulting from the aggregate valuation of individual properties were therefore revised upwards to include estimates for the following additional items: movable property; interest on movable and immovable property; depreciation in the value of currency; compensation for 'disturbance' (i.e., loss of livelihood); recompense for hardship suffered; and communal property.

## CONCLUSION

The United Nations Archives contain a wealth of information on the work of the Conciliation Commission for Palestine, an organ which was much criticized in its time but whose efforts on behalf of the refugees may still prove to have made a valuable contribution. In requesting the preservation and modernization of its records, the General Assembly has recognized the importance of the Commission's painstaking work in collecting data on hundreds of thousands of properties and their owners, which might otherwise be impossible to reconstruct. Its papers on legal, technical and other issues relating to the design and administration of compensation schemes may also be of continuing interest in a future debate on this issue. As the negotiations proceed, this documentation should be comprehensively analysed by experts in the relevant fields, in order to be evaluated and utilized in the most effective manner.

## YOSSI KATZ

Member of Knesset (Labour)

I serve as a member of the Israeli Knesset, the Israeli Parliament, and as such I enjoy complete freedom as to what I may say. Not only do we have complete legal immunity, we may also express our personal position even if this conflicts with that of our Government or of the party on behalf of which we were elected.

As some of you already know, my political positions do not reflect exactly those of the Government and if I may hazard a guess, they also reflect a political minority within my own party - the Labour Party. Nevertheless should you not forget! Visions which where expressed by Uri Avnery 20 years ago or by people like myself within the Labour Party, 10 years ago had become our reality. The expression of an opinion is an integral part of the democratic process and is important in terms of providing the public with all aspects of an issue.

Within the next few weeks we shall learn whether my appointment as the next Israeli Ambassador to Germany is to be ratified. You will certainly understand that if I do take up this post, I shall not be able to speak with the same freedom that I do today, even though I hope to continue making my personal contribution to promoting the peace process.

The position I shall present here was formed together with a team of high-level Israeli experts, mostly academics of high standing, that held a dialogue with Palestinian academics over a period of more than four years, under the umbrella of Harvard University.

Let me describe in few words the important points of the traditional Israeli attitude towards the issue.

There is no doubt that Israelis and Palestinians disagree over the historical backdrop of the refugee problem, the demographic reality and the international legal status.

We have tried not to deal with the contradictions but rather to discuss possible solutions.

In contrast to the Palestinian narrative which is presented here over and over, the Israeli narrative rejects the right of return of refugees to their homes in Israel. Extremists reject even the right of return to the West Bank as well.

Israel argues that it did not cause the Palestinian refugee problem; rather, the Arabs did, by rejecting the UN decision of 1947 and by declaring war on Israel and attacking in 1948.

The Israeli traditional argument is that this war created the refugee problem - a Jewish as well as a Palestinian refugee problem.

Israelis believe that for Israel to agree to the return of Palestinian refugees is to create an existential threat. It will undermine the Jewish character, the viability and stability of the Jewish State. Return to Israel would lay the foundation for a new stage of Palestinian irredentism. It would call into the question ownership of homes, villages and other properties. Israelis have dealt with its refugees and it expects the Arabs to deal with theirs. Israelis claim that the statistics and figures of UNRWA on the refugees are grossly exaggerated.

Israelis fear the abuse of any mass "Return" to a neighbouring Palestinian State in a sense that this could create a geopolitical threat to Israel itself in the near future.

Israelis criticize the fact that in Syria some 300,000 and in Lebanon 350,000 refugees have been stateless for many years. In Israeli eyes, the refugee problem is first and foremost existential security issue.

Israel seeks to maintain the existence and stability of the State and its Jewish character.

According to our view any refugee solution must therefore avoid significantly enlarging the non-Jewish demographic component of Israel. Israel may not deny the right of Palestinian refugees to fair compensation but would like to link this issue to Jewish refugee compensation claims in Arab countries.

After summarizing the traditional Israeli narrative, I will try to describe our compromise solution which was presented by me in the refugee camp of Shuafath, and which includes some changes that I put in the principles of our groups' proposal:

1. Israel acknowledges that it shares practical responsibility, together with other parties to the process that culminated in the 1948 war, for the plight and suffering of the refugees and that rectification of that plight by all parties is a central goal of the Arab-Israeli peace process.

2. Israel also accepts the right of return to the Palestinian State.

3. Israel will absorb 100,000 refugees in the framework of reunification or in any other basis which will be agreed by the parties.

4. Israel will cooperate in organizing international support for a collective compensation for the loss of property and suffering of the Palestinian refugees and for the recovery and reconstruction of the refugees.

5. In case there will be individual compensation of Arab refugees, there will be also a parallel act in regard to Jews who left their homes and property in the Arab countries. This significant principle is very important to gain their support in the future referendum.

A few personal remarks:

I personally visit Palestinian refugees camps, I walk through the narrow so-called "streets". It is really humiliating to realize, in the beginning of a new millennium, that young children live in such poor conditions, that little babies grow up in such dirty poverty, but each one of you must ask himself whether we shall continue to discuss this matter or we shall take our future in our own hands and make a dramatic change, a historic progress, by accepting very painful decisions.

When David Ben-Gurion decided to adopt the partition resolution in 1947, many Israelis criticized him, but he was clever enough and brave enough to decide.

My personal belief is that your brave and brilliant leader, Abu Amar, was made of the same spirit, of the same wisdom.

You should not forget that the Oslo agreement left us with a dead Prime Minister, our beloved Rabin. This was a disaster for the peace camp. We do not want it to happen again.

Some of you, my friends, and especially the Islamic, understand how difficult it is to overcome the extremist religious people who still believe in the whole Eretz-Israel.

It is our duty to educate the two societies that there is a need to reach a compromise.

The parties left the most delicate, sensitive issues to the end of the process. Not one of them dares to say: "This is my red line, I will not negotiate, I will not compromise."

To my mind, to reach a compromise is sometimes much more heroic than to insist on your original right.

We believe that if our proposal is being implemented it will close the file once and for all.

I know that the solution does not fit fully your expectations because it denies the full and moral right of return, but you must understand that no serious Israeli is ready to endanger the demographic existence of the only Jewish State.

If you want to create a new atmosphere in the region, if you want to support the peace camp in our country, you will have to accept some kind of compromise which is still rejected by a majority of the Israeli public.

This proposal will bring the international financial and social support which will end the humiliation, the plight and the injustice that has been an integral part of the life of Palestinians for the past 52 years.

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## The United Nations Conciliation Commission for Palestine and a durable solution for Palestine refugees

### Introduction

In 1948 the United Nations General Assembly, based on recommendations submitted by the UN Mediator for Palestine, established the Conciliation Commission for Palestine (UNCCP) to assist the Governments and authorities concerned in achieving a final settlement of the Palestine question. Given the partial if not primary responsibility of the United Nations for the creation of the Palestine refugee situation, stemming from the 1947 UN decision to partition Palestine, the international community created a special regime to provide assistance and protection, including the promotion and implementation of a durable solution, for Palestine refugees.

The UNCCP, rather than the International Refugee Organization (IRO) and its successor, the Office of the UN High Commissioner for Refugees (UNHCR), was authorized to provide protection and seek a durable solution for the refugees. A separate agency, the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), was subsequently established to provide assistance. Emphasizing the special situation of Palestine refugees, the international community later authorized the UNHCR to assume responsibility for the refugees, if, for any reason, protection or assistance ceased, without the situation of the refugees being resolved according to the relevant resolutions of the General Assembly.1/

The international community also set down a specific framework and special guidelines for a durable solution for Palestine refugees in the mandate of the UNCCP. According to General Assembly resolution 194 (III), paragraph 11, a durable solution includes repatriation, resettlement, economic and social rehabilitation, and compensation. The special guidelines provided to the Commission emphasized a preferred option comprising a combined package of repatriation and compensation or resettlement and compensation based on the choice of each refugee. The framework and special guidelines were consistent with that set down in the Statute of the UNHCR, then in the drafting stages, and remarkably forward-looking in noting the preferred option of voluntary repatriation with additional provisions for development and compensation.2/

Barely three years after it was created, however, the Commission notified the General Assembly that it was unable to make substantial progress towards achieving a final settlement of the conflict. The failure of the Commission to facilitate a durable solution was related in large part to Israel's opposition to the special guidelines in paragraph 11 of resolution 194 (III). The failure was also related, however, to the internal contradictions of the UNCCP's mandate and function. The mandate of the Commission, unlike that of the UNHCR, was not limited to refugees, but included the broader task of finding solutions to all outstanding issues between Israel and the Arab States. The function of the Commission, i.e. conciliation and mediation of the Palestine conflict, which excluded provisions for an enforcement mechanism like the International Court of Justice, also militated against the full provision of protection and representation of the specific interests of the refugees. As much as the Commission emphasized the importance of the refugee issue, it was ultimately forced to weigh the refugee issue against other outstanding issues in order to attempt to facilitate a comprehensive peace settlement.

The first part of the working paper examines the broad mandate and function of the Commission as prescribed in paragraphs 4 through 6 of resolution 194 (III). The second part of the paper looks at the mandate and function of the Commission in relation to the refugees as set down in paragraph 11, and the impact on the establishment of the Commission's Refugee Office in 1950. Finally, the last section examines the impact of the clash between the mandate and functions of the Commission and the special guidelines for the refugees during the first four years of the Commission's operation. In sum, the clash rendered the UNCCP's efforts for protection to be largely palliative. This was evident in the conclusions of the Technical Committee for refugees, the Economic Survey Mission, and in relation to implementation of the framework and special guidelines as set down in paragraph 11. The conclusion of the working paper provides several recommendations for a durable solution for Palestine refugees. The paper is based on a review of the reports of the UNCCP and the *Yearbook of the United Nations* between 1947 and 1952.

## The Broad Mandate of the UNCCP

The Conciliation Commission was entrusted with the broad task, defined in paragraphs 4 through 6 of General Assembly resolution 194 (III), 11 December 1948, of assisting the parties, Israel and the Arab States, through direct and indirect negotiations, in achieving a final settlement of all outstanding issues.3/ This broad mandate was carried over from the terms of reference for the UN Mediator, and set down in UN General Assembly resolution 186 (S-2) of 14 May 1948.4/ Among the tasks assigned to the Mediator was the promotion of a peaceful adjustment of the future situation in Palestine.5/

In describing the role accorded to him by the General Assembly the Mediator noted that his main task was to use his "good offices" to offer friendly suggestions and proposals and facilitate adjustment of controversy.6/ The Mediator deferred to article 4 in Part II of The Hague Convention stating that "the part of the Mediator consists in reconciling the opposing claims and appeasing the feelings of resentment that may have arisen."7/ In seeking to promote a peaceful adjustment of the situation in Palestine, the Mediator further noted that his role was "to encourage compromise rather than strict adherance to principle".8/

The mandate of the Mediator was carried forward as article 2 (a) of resolution 194 (III). The Commission was further instructed, similar to the Mediator's role, to "assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them."9/ Reflecting this understanding of its mandate, the Commission noted in its first report that it should:

"concentrate on an effort to bring about a rapprochement between the parties concerned. Its most pressing task should be to use its good offices for the purpose of enabling the Governments concerned to meet and enter into negotiations - if possible direct ones - and to collaborate with them in order that these conversations may result in a final settlement of all questions outstanding between them."10/

The debate during the drafting of resolution 194 (III) centered on the impact of including the Mediator's Conclusions within the mandate of the proposed conciliation commission. While the original draft resolution submitted by the UK at the 203rd meeting of the First Committee in November 1948 included a paragraph which endorsed the Mediator's Conclusions along with the broader mandate regarding all outstanding issues, a revised draft was subsequently tabled, which refrained from endorsing the Mediator's Conclusions. According to the summary of the debate in the First Committee, many representatives felt that the General Assembly should not make any recommendations. Similar concerns were raised in the plenary meetings on 11 December.11/ While it was stressed that the primary purpose in removing the endorsement of the Mediator's Conclusions was to gain greater support in the Assembly for the resolution, China noted that all sponsors of the amendment had accepted the French sub-amendment, which had urged the "elimination of controversial points from the resolution so as not to prejudge the conciliation efforts".12/

The success of the Commission in relation to its broad mandate depended in large part on its ability, first, to bring the parties together around a broad common agenda, and secondly to have the latitude to build package deals that would assist the parties in bridging divergent interests. The Commission brought forward several proposals during its first years of operation to attempt to bridge the opposing positions of the parties.13/ This included the 1949 May Protocol, which combined elements of resolution 181 (II) and 194 (III);14/ the March 1950 proposal for mixed working committees chaired by the Commission;15/ and, the 1951 Comprehensive Pattern of Proposals.16/

The function of the proposed commission was also addressed in the First Committee during the drafting of resolution 194 (III). Most representatives felt that the proposed commission should only "assist and encourage" the parties to enter direct negotiations in order to arrive at a permanent settlement.17/ The representatives agreed on a list of five functions, which included bringing the parties together, initiation of negotiations and promotion of an agreement by making suggestions and proposals. The representatives further noted that the task of the commission should be "one of conciliation only, without arbitration".18/ A draft amendment by Guatemala which called upon the proposed commission "to use its good offices" was rejected, because the UK representative regarded it as giving the Commission too much of a role in negotiation.19/

By its own admission, the UNCCP played several roles in relation to its mandate. These included that of intermediary, conciliator and mediator. As intermediary, the Commission canvassed the opinions and positions of the Arab States and Israel via field visits and in forums like the 1949 Lausanne meetings, although it reserved the right to withhold suggestions or proposals that it deemed contradictory to its mandate.20/ Failing these efforts, concerned about an increasingly dangerous situation on the ground, and seeking to respond to the counter-demands of the Arab States for mediation, and Israel, which viewed the Commission more as a "harmonizing agent" with direct intervention contingent on the consent of the parties for direct negotiation, the Commission sought to play the role of conciliator through the mixed committees chaired by members of the Commission.21/ The mixed committees added a second track to the conciliation process, comprising a general track and a technical track. Only when all these efforts had failed did the Commission, citing paragraph 2(a) of its mandate, enter into the role of mediator.22/ A specific proposal on all outstanding issues, the Comprehensive Pattern of Proposals, was presented to the parties at the 1951 Paris conference, in order to inject some substance to the negotiations.23/

## Special Guidelines on Refugees

The General Assembly also provided the Commission with a handful of special directives, including those on the refugees.24/ The framework and special guidelines were carried over from the Basic Premises and

Conclusions in the Mediators progress report of September 1948.25/ In his report of 28 June 1948, the Mediator emphasized that "recognition [should] be accorded to the right of residents of Palestine to return to their homes without restriction and to regain possession of their property".26/ In his first progress report to the UN General Assembly, the Mediator wrote:

> "No settlement can be just and complete if recognition is not accorded to the right of the Arab refugee to return to the homes from which he has been dislodged ... It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to their homes while Jewish immigrants flow into Palestine, and, indeed, at least offer the threat of permanent replacement of the Arab refugees who have been rooted in the land for centuries."27/

In the conclusion of his 1948 report the Mediator noted that:

> "The right of the Arab refugees to return to their homes in Jewish-controlled territory at the earliest possible date should be affirmed by the United Nations, and their repatriation, resettlement and economic and social rehabilitation and payment of adequate compensation for the property of those choosing not to return should be supervised and assisted by the UN Conciliation Commission."28/

The basic framework of the Mediator's recommendations on the refugees thus became the basis for paragraph 11 of resolution 194 (III), which authorized the Commission:

> "to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees, and through him, with the appropriate organs and agencies of the United Nations."29/

The General Assembly also included special guidelines for a durable solution. According to the first part of paragraph 11:

> "...refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date [while] compensation should be paid for the property of those choosing not to return and for loss or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible."30/

The guidelines thus emphasized several preferred options for a durable solution. These options included combinations of repatriation and compensation or resettlement and compensation based on the choice of each refugee.

The importance of these special guidelines was emphasized by a series of working papers prepared by the Secretariat of the Commission to facilitate implementation.31/ The papers addressed the specific meaning of return and compensation in the first part of paragraph 11. The Secretariat addressed the specific interpretation of each relevant clause on repatriation. According to the Secretariat, the special guidelines on repatriation set down by the General Assembly "intended to confer upon the refugees as individuals the right of exercising a free choice as to their future."32/ The choice included repatriation and compensation or resettlement and compensation. Furthermore, in choosing the term "to their homes", the Secretariat stated that the General Assembly clearly meant the return of each refugee to "his house or lodging and not his homeland".33/ Amendments which referred to "the areas from which they have come" were rejected by the General Assembly.34/

An earlier working paper prepared by the Secretariat addressed the meaning of the second part of paragraph 11 of resolution 194 (III) concerning compensation.35/ The Secretariat noted that the Resolution affirmed two types of compensation: payment to refugees not choosing to return to their homes; and "payment for the loss of or damage to property which under principles of international law or in equity should be made good by the Governments or authorities responsible".36/ As regards the meaning of the latter term, the Secretariat stated that while the resolution did not affirm compensation for ordinary war damages, its legislative history implied that the resolution affirmed compensation for "looting, pillaging and plundering of private property and destruction of property and villages without military necessity".37/ Draft resolutions by the United States, Guatemala and Colombia were rejected, as they did not include reference to loss of or damage to property.38/ The Secretariat noted in addition, however, that while ordinary war damage was excluded from the language of the resolution and the intentions of the drafters, the resolution did potentially provide for a broader set of claims based on the reference to international law.39/

The Commission's function in relation to the refugees followed much the same pattern as its function in relation to its broader mandate, with the exception of mediation. Earlier efforts of the Commission focused on canvassing the views and concerns of the Arab States, Israel, relevant experts, international non-governmental organizations involved in relief efforts and the refugees themselves. The first follow-up meeting of the Commission in spring 1949 in Lausanne focused on the refugee issue, because of its "importance and extreme urgency" and "to determine the position that this issue would take in the final peace negotiations".40/ The Commission also attempted to advance a resolution of the refugee through the mixed committees, after it became apparent that the positions of the parties severely limited its role as intermediary. The Commission engaged the parties in discussions about the return of refugee owners of orange groves along with their labourers,41/ family reunification,42/ and access to blocked bank accounts.43/ As with its broader role in conciliation of all outstanding issues, the Commission reserved the right to withhold suggestions and proposals it considered contradictory to its mandate.44/

Additionally, the Commission was assigned a specific role concerning the special guidelines set down for a durable solution for the refugees. Paragraph 11 called upon the Commission to *facilitate* a solution to the refugee issue. As regards the meaning of the term "facilitate", the Secretariat noted that the drafting history, and a simple definition, implied "secondary or auxiliary, rather than primary or initiatory, action".45/ The term "should be permitted" in reference to the return of the refugees was thus addressed to the parties, rather than the Commission. While the refugees would be required to provide assurances of their intentions to live in peace, perhaps non-participation in the Palestine war as the criterion, Israel was obligated to create the conditions which would facilitate repatriation, including the provision of protection.

This interpretation of the function accorded in paragraph 11 explains in part the reason for the incomplete provision of protection by the Commission. While the Secretariat noted that it was within the mandate of the Commission to facilitate the granting of such permission,

> "Nothing in the instructions given to the Commission states that in this undertaking it is obligated to comply to the letter with the terms of the preceding subparagraph of paragraph 11, e.g., that it is compelled to facilitate the granting of permission to return for all refugees wishing to do so."46/

However, the Secretariat also noted at the same time that the Commission would not "disregard its duty of safeguarding the principle laid down by the resolution or of reporting its violation.47/ This interpretation later played itself out in the drafting of the terms of reference for the Commission's Refugee Office.

During November and December 1950, the Ad Hoc Political Committee considered measures to address the repatriation and payment of compensation for Palestine refugees. The Committee debate centred predominantly on a joint four-power draft resolution by France, Turkey, the United Kingdom and the United States. The resolution first urged the Governments concerned to engage without delay in direct discussions in order to arrive at a peaceful settlement of all questions outstanding between them. It then proposed that the Commission establish a Refugee

Office to make arrangements for the assessment and payment of compensation, and secondly to work out arrangements for the implementation of other objectives in paragraph 11 of resolution 194 (III).48/

An alternate resolution submitted by Egypt also called for the creation of a Refugee Office, but emphasized both repatriation and payment of compensation as set down in paragraph 11.49/ In making the case for their draft, the sponsors of the joint four-power resolution argued that the Egyptian draft was based on an incorrect reading of resolution 194 (III), which should be "read as a whole" without "exclusive reference ... to its provisions concerning refugees."50/ The four powers further noted that the UN had already provided for the repatriation of refugees under the framework of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which dealt with reintegration.51/ Finally, the Commission noted that its draft would "contribute to better relations between Israel and the Arab states", because it recognized "that the principles contained in the Assembly's resolution must be applied on a practicable basis."52/ The joint four-power draft resolution eventually became the foundation for resolution 394 (V) of 14 December 1950, spelling out the terms for the Refugee Office.53/

According to the Commission, the resolution marked "a new phase in its work, a phase in which it must progress from general discussion to the seeking and, in certain cases, the putting into operation of practical measures, towards a liquidation of the refugee problem."54/ By October of 1952, the Commission had come to the conclusion that "the most promising way it could lend itself to the resolution of the issue was in further efforts to solve the questions of compensation for the Palestine refugees and the release of bank accounts blocked in Israel."55/ The reduction of the budget of the Commission, simply to cover the expenses of the Refugee Office, meant that the Commission would be able to provide little protection other than that related to documentation of refugee properties.

## Impact on a Durable Solution

Paragraph 11 of resolution 194 (III), while remarkably progressive and forward-looking, introduced a framework and special guidelines on which there was least agreement between the parties. Given the broader aspect of its mandate to conciliate all outstanding issues among the parties and the constraints on its function with the absence of any kind of enforcement mechanism, the Commission was hard pressed to facilitate implementation of the durable solution for Palestine refugees as set down in paragraph 11. While the principle of refugee choice was emphasized repeatedly by the Commission, in practice it did not come into play. The various subsidiary bodies established to provide the Commission with information and technical advice concerning implementation of the durable solution, frequently filed reports, which failed to deal with the complete framework and special guidelines in paragraph 11.

In 1949, for example, the Commission established a Technical Committee to furnish the office with basic information about the refugees, including the number of refugees, their place of origin, previous occupations, means of subsistence, etc.56/ The Committee was also authorized to investigate methods for determining refugee choices, the protection of the rights, properties and interests of the refugees, practical projects for immediate work relief under the auspices of host Governments, technical information related to practical possibilities for repatriation, resettlement and rehabilitation, as well as compensation. When the Committee filed its report with the Commission, the conclusions focused on immediate and long-range programmes for resettlement with an action plan based on the assumption of the resettlement of large numbers of refugees outside of Israel. Moreover, the Committee dismissed the idea of determining refugee choices as "premature", stressing that repatriation, unlike resettlement, involved a political decision.57/

The interim and final recommendations of the Economic Survey Mission (ESM), established by the Commission shortly after the Technical Committee completed its work in 1949, yielded similar recommendations, focusing almost solely on resettlement. Under the terms of its mandate, the Mission was, among other things, to investigate ways and means to facilitate repatriation, resettlement, rehabilitation and compensation in order to reintegrate the refugees.58/ At the same time, the ESM was authorized to propose "an organizational structure [to] coordinate and supervise and facilitate measures for relief, resettlement, economic development and related requirements such as community facilities."59/ As with the Refugee Office, no provisions were made for an organizational structure to facilitate repatriation. Given the framework established in General Assembly resolution 194 (III) and the broad demand for voluntary repatriation, the ESM noted in its interim report of November 1949 that "the only immediate constructive step in sight [was] to give the refugees an opportunity to work where they now are."60/

Concerning repatriation, early efforts were made not only to collect information, including the number of refugees, and determine their preferred options for a durable solution, but also to raise the importance of repatriation as an element in a peaceful settlement of the conflict with the Israeli Government.61/ The Commission also attempted to facilitate the return of refugees on a case-by-case basis.62/ A small number of refugees were permitted to return under limited family reunification.63/ In general, however, no specific plans were prepared by the Commission and after a few years, the Commission failed to advance any serious efforts on repatriation, deeming the issue to be a political one with the process rendered difficult owing to changes on the ground.64/

As mentioned, considerably more efforts were made to facilitate, if not promote, resettlement. Based on the findings of the Economic Survey Mission and the increasing inability of voluntary organizations to provide relief for the refugees, the Commission recommended the creation of UNRWA to provide for both short-term (relief) and longer-term (development) needs of the refugees. UNRWA programmes during the first several years of its existence focused heavily on resettlement. Understandings, conditioned on Israel's acceptance of repatriation, were arrived at with Jordan and Syria concerning resettlement of refugees choosing not to return.65/ The Commission further engaged in discussions with host countries to examine employment opportunities for refugees, generated domestically and with international assistance.

The work on compensation is really the legacy of the UNCCP. To date the Refugee Office of the Commission continues to hold the most comprehensive record of Palestinian refugee properties. While additional work and documentation is required to correct imbalances and omissions in the records, the UNCCP records are invaluable for restitution of refugee properties and compensation according to the terms set down in paragraph 11 of General Assembly resolution 194 (III). Commission efforts related to compensation included the investigation of laws and regulations adopted inside Israel affecting refugee properties. In fact, in one of its more assertive attempts to provide protection for refugee properties, the Commission called, unsuccessfully, for the abrogation of the Absentees' Property Law, the suspension of all measures of requisition and occupation of Arab houses and the unfreezing of *waqf* property.66/ Step-by-step progress was made on the issue of blocked accounts in Israel being handled by a mixed committee concerning the estimated 4 to 5 million Palestinian pounds in blocked refugee accounts in Israel. The creation of a Refugee Office in 1950, furnished with a legal expert, an economic expert and a land specialist, facilitated the collection of data and evaluation of refugee losses. The Office completed both a global assessment 67/ in 1951 and an individual assessment 68/ in 1964. The Refugee Office completed its work having collected 453,000 records amounting to 1,500,000 holdings. A total of some 5.2 million dunums of rural land was identified as individually owned by refugees, not including Bir Saba' (Beersheva) and Ramle. No overall values for the property were released by the Refugee Office, although today the value of immovable property is estimated to exceed $150 billion (1996 US$).69/

## Conclusion

Following the adoption of resolution 394 (V) and the establishment of the Refugee Office in 1951, the work of the Palestine Conciliation Commission focused almost solely on documentation and assessment of refugee properties. At the urging of the United States, a short-lived attempt was made to revive the broader mandate of the Commission in the early 1960s with the appointment of Joseph Johnson, but this effort failed to produce any new breakthroughs. From 1964 onward, the Commission's role transitioned to a functionary one. Annual reports were submitted to the General Assembly. The UNCCP continued to file annual reports, noting that the Commission,

> "hope[d] that the situation and related circumstances in the region will improve towards the achievement of a comprehensive, just and lasting peace in the Middle East, thus enabling it to carry forward its work in accordance with its mandate as defined by the General Assembly in its resolution 194 (III)."70/

With the signing of the Oslo Agreement in 1993, however, all reference to resolution 194 (III) was removed from the reports of the Commission.

It is not clear if the Commission established by the General Assembly in 1948 was consistent with the vision provided by the UN Mediator days before his assassination. It would appear, however, from a reading of the text of the Mediator's recommendations, that the Mediator had intended the Commission to act as a protection body solely for Palestine refugees and other persons of concern. The idea of the Commission is first raised in the context of the Mediator's recommendations for a durable solution for the refugees, and only later expounded upon in terms of the mandate and function. This type of Commission would have been consistent with the overriding emphasis placed in the Mediator's reports on the refugees and their right of return to their homes. While the drafters of the mandate and function of the Conciliation Commission believed that a solution to the question of Palestine lay in a comprehensive package deal, the inclusion of refugees within the mandate of the Commission, without the necessary protection to facilitate implementation of the specific framework and special guidelines set down by the General Assembly, rendered the Commission's efforts on behalf of the refugees to be largely palliative.

Unfortunately, the Oslo process has consigned Palestine refugees to much the same position. There is no international agency present at the negotiations representing the specific rights, choices and interests of the refugees. On the multilateral track and other levels of "track-two diplomacy", the issue is still largely accorded a palliative approach. While refugees continue to raise the demand for the right of return, based on international legal principles and practice, few efforts have been made to provide the necessary protection to facilitate the durable solution set down in resolution 194 (III) more than 50 years ago, even though the framework and special guidelines set down in paragraph 11 have proven to be remarkably forward-looking and consistent with international refugee law as it has developed over the past five decades.

The basic problem for Palestine refugees is not paragraph 11, but the lack of protection and the lack of enforcement of basic principles firmly grounded in basic human rights. Consistent with the first component of the special guidelines of paragraph 11, new efforts are urgently required to address the issue of protection and the promotion of a durable solution, which includes voluntary repatriation. And consistent with the second component, additional efforts are required to improve the documentation of refugee properties and losses and develop mechanisms for restitution. While protection cannot guarantee a durable solution, a durable solution cannot be achieved without protection.

## NOTES

1. Article I (D), 1951 Convention Relating to the Status of Refugees, 189 UNTS 150. For a more complete discussion of the special regime see Susan M. Abram and Guy Goodwin-Gill, *Brief Amicus Curiae,* United States Department of Justice Executive Office for Immigration Review, Board of Immigration Review, Board of Immigration Appeals, Falls Church, Virginia. A condensed version is available as BADIL Information & Discussion Brief, Issue No. 1, "Reinterpreting Palestinian Refugee Rights under International Law, and a Framework for Durable Solutions." Published by BADIL Resource Centre (February 2000).

2. UNGA 428 (V), 14 December 1950, 1950 Statute of the United Nations High Commissioner for Refugees. For more details on voluntary repatriation as a preferred option for durable solutions and the growing importance of development and securing access to properties see UNHCR, *The State of the World's Refugees,* published annually, and the Executive Committee Conclusions of the UNHCR.

3. UNGA resolution 194 (III), 11 December 1948.

4. UNGA Resolution 186 (S-2), 14 May 1948, part II, article 1(a).

5. The original draft resolution called for the Mediator to promote "agreement on the future government of Palestine". *Yearbook of the United Nations, 1947-48*. New York: UN Department of Public Information [Internet Edition]. Additional tasks included arranging for the operation of common services necessary for the safety and well-being of the population in Palestine, protection of the Holy Places, directives to cooperate with the Truce Commission for Palestine, and to invite assistance and cooperation of additional agencies for the promotion of the welfare of the inhabitants of Palestine.

6. UN Doc. A/648, *Progress Report of the United Nations Mediator on Palestine*, 16 September 1948. The exact function of the Mediator was a subject of discussion during the drafting stages of the resolution in SubCommittee 9. This debate was later mirrored in the drafting stages of resolution 194 (III).

7. Ibid.

8. Ibid.

9. Paragraph 6, *supra* note 2.

10. UN Doc. A/819, *United Nations Conciliation Commission for Palestine, First Progress Report*, 15 March 1949.

11. *Yearbook of the United Nations 1948-49*. New York: United Nations Department of Public Information, 1949. The amendment also asked for the deletion of the preamble, which referred to the Assembly resolutions of 29 November 1947 and 14 May 1948, the Mediator's progress report, and the Security Council's truce and armistice resolutions, and proposed to substitute the words "The General Assembly, having considered further the situation in Palestine".

12. The amendment was sponsored by Australia, Brazil, Canada, China, Colombia, France and New Zealand. Ibid. The UK representative later voiced his support for the joint amendment to remove "all phraseology likely to antagonize the parties directly involved". Similar concerns had been expressed in the discussion concerning the function of the Mediator. During the 343rd meeting of the Security Council, in August 1948, the UK proposed that the Security Council emphasize to the Mediator the gravity of the refugee problem. While France supported this view, the French delegate stressed that any such communication with the Mediator should "not give the impression that the Mediator deal with the question of refugees as a matter of priority. The question was part and parcel of the whole settlement which the Mediator was supposed to seek." *Yearbook of the United Nations 1947-48, supra* note 5. Syria, meanwhile, submitted a draft resolution calling for the International Court of Justice to submit an advisory ruling on the "power of the General Assembly under the Charter to partition Palestine for the creation of a Jewish State against the wishes of the majority of the Palestine population", and on the "international status of Palestine upon the termination of the mandate".

13. In sum, the Arab states demanded Israel's recognition and implementation of paragraph 11 of resolution 194 (III), while Israel preferred to discuss the issue of borders and opposed repatriation of the refugees. Numerous reports of the Commission cite the importance of linking the issue of boundaries with that of the refugees.

14. The Protocol appears as Annex A of UN Doc. A/927, *United Nations Conciliation Commission for Palestine, Third Progress Report*, 21 June 1949.

15. The Memorandum on the mixed committees appears as Annex III of UN Doc. A/1255, *United Nations Conciliation Commission for Palestine, Sixth Progress Report*, 29 May 1950.

16. For the text of the Comprehensive Pattern of Proposals, see UN Doc. A/1985, *Progress Report of the United Nations Conciliation Commission, Progress Report*, 20 November 1951.

17. *Yearbook of the United Nations 1948-49, supra* note 11.

18. Ibid. Only one exception was made, that of Jerusalem, where it was proposed that the commission prepare a draft statue for an international regime in the city. A draft amendment by Australia limited the function of the Commission to call into consultation organs and agencies of the UN, which may assist in repatriation.

19. Ibid. The role of "good offices" eventually found its way into the mandate of the Commission, however, by including the mandate of the UN Mediator under resolution 186 (S-2), *supra* note 4.

20. An example of the latter is the decision of the Commission not to pass on conditions proposed by the parties for participation in the working committees (*supra* note 12). The Commission chose rather to outline the principles of operation for the committees. UN Doc. A/1288, *United Nations Conciliation Commission, Seventh Progress Report*, 17 July 1950.

21. Details on the procedures for the operations of the committees, however, were left open for negotiation between the parties and the Commission. In August 1949, the Commission had also attempted to play a conciliation role by submitting specific questions to the parties on various aspects of the conflict, as a follow-up to the 1949 May Protocol (*supra* note 11), from which the Commission could then engage in further detailed discussions. UN Doc. A/922, *United Nations Conciliation Commission for Palestine, Fourth Progress Report*, 22 September 1949.

22. UN Doc. A/1985, *supra* note 16.

23. The Comprehensive Pattern of Proposals called for a cancellation of war damages for both Israel and the Arab states; Israeli acceptance of a specified number of refugees who would be integrated into the economy; Israeli acceptance of the obligation to pay, based on its ability; the unfreezing of all bank accounts in the region and an agreement in principle regarding armistice agreements. Ibid.

24. Other special directives included those on Jerusalem and the Holy Places.

25. UN Doc. A/648, *supra* note 6.

26. UN Doc. S/863, *Text of Suggestions of the United Nations Mediator on Palestine to the two Parties on 28 June 1948*, 3 July 1948. Later that summer the Mediator attempted to apply this principle through facilitating the return of some 1,600 refugees from Ajanjul and Buweiriya northwest of Jerusalem just inside the Ramle sub-district. A second attempt was made in August to facilitate the return of Palestinian Arabs to Jaffa and Haifa, without prejudice to the "ultimate right of all refugees to return to their homes." UN Doc. S/961, *Cablegram dated 12 August 1948 from the United Nations Mediator to the Secretary-General concerning the observance of the truce in Jerusalem*.

27. UN Doc. A/648, *supra* note 6. The right of return was raised by the Mediator repeatedly in his report.

28. Ibid.

29. *Supra*, note 3.

30. Ibid.

31. See, for example, UN Doc. W/24, *Initial Steps on the Question of Compensation*, 7 September 1949; UN Doc. A/AC.25/W.53, *Note on the problem of compensation*, 13 September 1950; UN Doc. W/30, *Compensation to Refugees for Loss of or Damage to Property to be Made Good Under Principles of International Law or in Equity*, 31 October 1949; UN Doc. A/AC. 25/W. 81 Rev. 2, *Historical Precedents for Restitution of Property or Payment of Compensation to Refugees*, March 1950; UN Doc. W/45, *Analysis of paragraph 11 of General Assembly resolution of 11 December 1948*, 15 May 1950; UN Doc. W/58, *Emergency Regulations on Property of Absentees "Development Authority Law" (Transfer of Property) - 5710-1950*, 9 February 1951; UN Doc. W/61/Add.1, *Addendum to Definition of a "Refugee" under paragraph 11 of General Assembly Resolution of 11 December 1948*, 29 May 1951; UN Doc. W/61, *Sampling Survey of Abandoned Property Claimed by Arab Refugees*, 12 April 1951; UN Doc. A/AC.25/W/R.78, *Practical Suggestions for the Commission's Future Activities in connection with Compensation*, 24 April 1952. The guidelines are also notable in that, while repatriation was recognized as a component for solutions to refugee situations, most international efforts at the time focused on resettlement, in part due to labor market needs in Europe and later as a propaganda weapon in the context of the cold war. Under the International Refugee Organization (IRO) (1947-1950), the predecessor to the Office of the United Nations High Commissioner for Refugees (UNHCR), only 5% of the total number of refugees registered with the organization were repatriated. George Stoessinger, *The Refugee and the World Community*. Minneapolis: The University of Minneapolis Press, 1963, p. 114, cited in Chimni, B.S., "From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems," Working Paper No. 2 (May 1999) [UNHCR website, www.unhcr.ch].

32. UN Doc. W/45, *supra* note 32. The importance of choice was emphasized throughout the documents of both the UNCCP and the Mediator.

33. Ibid.

34. Ibid. The Secretariat further noted that the terms "and live at peace with their neighbours" and "should be permitted to do so" essentially imposed obligations on both the refugees and the Government of Israel. While the refugees would be required to provide assurances of their intentions to live in peace, perhaps non-participation in the Palestine war as the criterion, Israel was obligated to create the conditions which would facilitate repatriation, including the provision of protection. As regards the term "at the earliest practicable date", the Secretariat stated that, "in deference to the Israeli arguments the Assembly agreed that the refugees should be allowed to return 'when stable conditions had been established'. It would appear indisputable that such conditions were established by the signing of the four Armistice Agreements." This view was stated earlier by the Conciliation Commission's Technical Committee on Refugees. UN Doc. A/1367/Rev.1, *General Progress Report and Supplementary Report of the United Nations Conciliation Commission for Palestine*, Appendix 4, Report of the Technical Committee on Refugees, 23 October 1950.

35. UN Doc. W/30, *supra* note 32.

36. Compensation covered movable and immovable property according to the Legal Adviser to the Economic Survey Mission. *Legal Aspects of the Problem of Compensation to Palestine Refugees*, Paolo Contini (22 November 1949), appended to UN Doc. W/32, *Letter and Memorandum dated 22 November 1949 concerning Compensation*, received by the Chairman of the Conciliation Commission from Mr. Gordon R. Clapp, Chairman, United Nations Economic Survey Mission for the Middle East, 19 January 1950.

37. The Secretariat noted that these were all violations of the 1907 Hague Convention. Convention (IV) Respecting the Laws and Customs of War on Land and its annex: Regulations concerning the laws and customs of

war on land, 3 Marten Nouveau Recueil (Ser. 3) 461, 187 Consol. T.S. 227, chap. I, article 23(g), 28, chap. V, sect.. III, articles 46, 47. This language originated in the Mediator's report, UN Doc. A/648, *supra* note 6. The looting and confiscation of Palestinian refugee property is covered by numerous sources. Tom Segev, an Israeli researcher, notes that Israel State Archives include files still inaccessible to researchers with index titles such as Plunder of Abandoned Arab Property, Looting, Possession without Permit, and Robbery. Tom Segev, *1949: The First Israelis*. New York: Henry Holt and Company, Inc., 1986, p. 72.

38. UN Doc. W/30, *supra* note 32.

39. Ibid. "By the substitution of the expression 'loss of or damage to property which under principles of international law or in equity should be made good', whereby the wording became similar to that generally used in Mixed Claims Conventions, it may be assumed that the General Assembly on the other hand did not wish to limit the claims to cases as just mentioned. It would therefore seem necessary to give the provision in question a somewhat wider application and to consider each case on its merits." The suggestion of the Secretariat in 1950 to examine the way in which the Israeli Government obtained reparations and compensation from the German Government for Jewish victims of Nazi persecution in a second working paper suggests that the inclusion of the term "loss of or damage to property which under principles of international law or in equity should be made good" did potentially provide for a broader set of claims, as applied in relation to Jewish losses in Germany. UN Doc. A/AC.25/W.53, *supra* note 32. This may have included reference to compensation for human capital losses and damages for psychological pain and suffering. See, for example, the work of Atif Kubursi in Sami Hadawi, *Palestinian Rights and Losses in 1948*. London: Saqi Books, 1988. The Legal Adviser to the Economic Survey Mission further examined the issue of Israel's liability for payment of compensation, the question of refugee status and whether compensation claims could be made under international or domestic law, the methods of compensation and the measure of damages. In sum the Adviser noted that Israel had agreed to pay compensation for refugee land as part of a general peace settlement and that the issue of international or domestic claims forums was subject to the status of refugees in a final settlement. The Adviser also raised the issue of whether the UN should undertake legal or diplomatic protection of stateless Palestine refugees. The methods of compensation included both restitution for refugee property that had been "wrongfully seized, sequestered, requisitioned, confiscated or detained by the Israeli Government" and indemnification for loss or damage to refugee property attributable to an action by the Israeli Government, which is wrongful under international law. Finally the Adviser noted that there were no fixed rules of international law concerning the "computation of the just and fair value of lost or damaged property"; different methods had been adopted by different claims commissions and the standards of value would vary according to the economy of the country, the type of property, etc. UN Doc. W/32, *supra* note 32.

40. UN Doc. A/819, *supra* note 10. The Commission also noted, however, that the parties were free to raise other outstanding issues.

41. These included: (a) that inhabitants of areas falling within the no man's land in the north of the Gaza region should be allowed to return as soon as possible to their lands to cultivate them; (b) that refugees currently in the Gaza area under Egyptian control and possessing land in the hinterland of that zone should be allowed to undertake as soon as possible the cultivation of their lands; and (c) that refugees currently in the Gaza zone originating from the Beersheba area be allowed, provisionally and pending a final settlement, to establish themselves in that area. As regards the orange groves, the committee of experts which examined one third of the groves in the summer of 1949 found that on average more than 50 per cent of the groves had been destroyed and less than 25 per cent could be salvaged for production but only if immediate steps were taken to put hydraulic and other machinery into operation. UN Doc. A/1255, *supra* note 15.

42. Ibid.

43. UN Doc. A/927, *supra* note 14.

44. An example is the Commission's determination that Israel's offer to repatriate 100,000 refugees in 1949 did not meet minimal conditions necessary for conciliation. UN Doc. A/838, *United Nations Conciliation Commission, Second Progress Report*, 19 April 1949.

45. UN Doc. W/45, *supra* note 32.

46. Ibid.

47. Ibid.

48. Draft Resolution A/AC.38/L.57, cited in *Yearbook of the United Nations 1949-50*. New York: United Nations Office of Public Information, 1950.

49. Draft resolution A/AC.38/L.30/Rev.1, Ibid. The Philippines submitted an amendment to the preamble and paragraph 1 of the joint four-power resolution, which included more specific references to the refugee question. A similar resolution was submitted by Ethiopia and Pakistan.

50. Ibid. The powers further noted that the Egyptian, Israeli and joint Ethiopian-Pakistan drafts represented extreme points of view.

51. UNGA Resolution 302 (IV), 8 December 1949. There is no evidence to support the claim by the four powers that UNRWA was authorized to facilitate repatriation. The Agency was clearly established as a successor to the UN Disaster Relief Project and the UN Relief for Palestine Refugees to provide relief and engage in development work. The reference to reintegration probably stems from the Economic Survey Mission.

52. Ibid. In this regard, the delegate from the UK noted that he doubted whether it would be in the best interest of the refugees to return to Palestine since there was a grave danger that the legacy of distrust between the two parties would make the task of mutual adjustment of populations impossible.

53. UNGA 349(V), 14 December 1950.

54. UN Doc. A/1793, *United Nations Conciliation Commission, Ninth Progress Report*, 22 March 1951.

55. UN Doc. A/2216, *United Nations Conciliation Commission, Twelfth Progress Report*, 8 October 1952.

56. Report of the Technical Committee on Refugees, appearing as Appendix 4 of UN Doc. A/1367/Rev.1, *supra* note 35.

57. The Committee did note, however, that when refugees were asked to express any thoughts to the Committee, they "invariably displayed an emotional and deep-seated desire to return to their former homes." Ibid.

58. Article 2(b) of Terms of Reference of the Economic Survey Mission, appearing as Annex I of UN Doc. A/922, *supra* note 22. Other tasks included: (a) to enable the Governments concerned to further such measures and development programmes as were required to overcome economic dislocation created by the hostilities, and (b) to promote economic conditions conducive to the maintenance of peace and stability in the area.

59. Article 3(h), ibid.

60. *First Interim Report of the United Nations Economic Survey Mission for the Middle East*, 1949.

61. UN Doc. A/838, *supra* note 45.

62. Palestinian Arab inhabitants of Abasan and Akhzah were eventually allowed to cultivate land in Israeli-held territory with the creation of a special zone. UN Doc. A/1255, *supra* note 15.

63. In December/January 1949, a total of some 800 dependants from Lebanon and Jordan rejoined their families in Israel. The number of refugees from Lebanon thus far allowed to return was 921. Of these 523 had actually joined their families. The number in Jordan authorized to join families was 500, of whom some 300 had crossed into Israel. On 14 February, 115 persons from the Gaza area crossed into Israel. Ibid.

64. UN Doc. A/1985, *supra* note 16.

65. UN Doc. A/922, *supra* note 22.

66. Ibid.

67. The report included a description of methods and a summary of the final results. A total of 16,324 sq. km out of a total of 26,320 sq. km were determined to be refugee lands. The value of refugee property was assessed at 100,383,784 Palestinian pounds or 280 million dollars at the dollar-pound exchange rate in 1951. This was divided into 70 million pounds in rural property with the remainder as urban property. The value of movable lost property was estimated at 21,570,000 Palestinian pounds. 1 sq. km equals 1000 dunums. The term "lands" included not only the land but "anything attached to the land", such as buildings and trees, according to relevant ordinances of the British Mandate government. The figure was arrived at by subtracting all villages outside the territory controlled by Israel, including the demilitarized zones as well as Jerusalem's no man's land, and the subtraction of urban areas and villages in which land continued to be held by the original Palestinian Arab inhabitants. According to the Refugee Office a total of 4,186 sq. km were passed to Jewish control (excluding the Naqab/Negev), of which 1,431 sq. km were uncultivable, 15 sq. km village built-on areas, and 2,739 sq. km of cultivable land. In the Naqab, 12,318 sq. km fell under Israeli control, of which 10,303 sq. km were deemed uncultivable and 1,835 sq. km cultivable. Evaluation of Abandoned Arab Property in Israel, Annex A, UN Doc. A/1985, *supra* note 16.

68. Detailed individual documentation was based on the Land Registers of the British Mandate, the Rural Tax Distribution Lists and the Urban Field Evaluation Sheets. Record forms were prepared for each parcel of land owned by Palestinian Arab individuals, including property owned in partnerships, companies and cooperatives. Separate forms were prepared to record land owned by religious bodies. The Office also prepared forms to record land classified as State domain, Jewish-owned land and other parcels of land not owned by Arabs. The Office examined both settled land (registered under the Land [Settlement of Tithe] Ordinance) and non-settled land. Lands in the Naqab (Negev) were examined separately.

69. For a summary table comparing different valuations see Terry Rempel, "The Ottawa Process: Workshop on Compensation and Palestinian Refugees," *The Journal of Palestine Studies*, vol. XXIX, No. 1 (autumn 1999), pp. 36-49. For more detailed economic analysis, see, for example, Atif Kubursi, *Palestinian Losses in 1948: The Quest for Precision*. Washington, DC: Center for Policy Analysis on Palestine, 1996.

70. UN Doc. A/47/413, *Report of the United Nations Conciliation Commission for Palestine*, 1 September 1992.

## V. PLENARY III

## PALESTINE REFUGEES AND THE CURRENT MIDDLE EAST PEACE PROCESS

- **The settlement of the refugee problem - a prerequisite for a just and lasting peace in the Middle East**
- **The Palestine refugee issue in the permanent status negotiations**
- **The refugee issue in the multilateral negotiations**
- **Palestinians displaced in 1967 and the work of the Continuing Committee**

### OSAMA EL-BAZ

Political Adviser to the President of the Arab Republic of Egypt

I have been listening to many of the presentations that were made and I was impressed by many of the points that were submitted. I would like, first, to respond to a statement by Mr. Yossi Katz, because I believe we benefited much from his wisdom and courage, because he represents the open-minded Israeli thinking, and this is a prerequisite for solving the entire Arab-Israeli dispute. He said that he wanted the Arabs, whom he called brothers and friends, to make a clear distinction between the Holocaust and the tragedy of the Palestinian refugees. I would like to tell him that I do agree with him. I make no analogy whatsoever, for there is no comparison. The Holocaust is a totally different story and I am quite opposed to any degree of denial of the Holocaust or belittling the impact of it or saying that it was just a happening in history like other event and so on. All I say is that the Holocaust was not of our doing. The Arabs had nothing to do with it at all, and hence should not be held responsible for it in any way. We have lived with the Jews together for centuries. We never knew the difference between a Jew and an Arab until recently. We condemn the atrocities committed against the Jews and oppose any violation of their human rights, be it under the title of ethnic cleansing or for any other cause; we sympathize with the victims and we definitely disassociate ourselves from all such barbaric acts.

This Conference is dealing with the question of refugees as a tragedy that took place in 1948 against the will and desire of the Palestinians and the Arabs. There are certain misconceptions or fallacies that exist in certain minds and I would like to deal with them very briefly and then come to the issue on which I am supposed to speak.

First, some people say that the responsibility for the emergence and, hence, the solution of the Palestine refugees problem did not fall upon Israel, alone or mainly, and that it was a shared responsibility. This approach can be a distortion that can lead to rendering it difficult for us to solve the problem.

Second, it has been suggested by some people that the problem of Palestine refugees cannot be resolved on the basis of legality and morality, and hence it should be dealt with from the point of view of pragmatic solutions. Let us be pragmatic: the argument goes that if you refer to the legal norms or notions, or if you try to look at it in terms of ethics, in terms of moral values and considerations, you will get lost in an avalanche of different issues that can be argued one way or the other. But let us approach it in a pragmatic manner: we have a problem and we would like to deal with it without concentrating or focusing at all on the legal and moral aspects of it. I believe that you should combine all these factors together. You should deal with the problem from the legal point of view, from the moral point of view and from the pragmatic point of view as well. Because in the absence of that, you will lose the terms of reference. You should first define the problem and then you approach it by knowing under which category it falls and then what kind of the legal rules apply. Unless you do it this way, it becomes a matter of bazaar haggling between two sides that are not starting from a legal or moral point of view. You begin to think that this is a pragmatic problem and decide that we should deal with it pragmatically: you will say whatever you want, and I would freely say whatever I want, and what is freely asserted is freely denied and, accordingly, you would not have any yardstick whereby you could measure the validity or invalidity of certain arguments. Here, you lose also the logic, not only the law and morality, but you lose the essential elements of logic and you begin to deal with it as if it were a totally pragmatic problem. In this case, a solution will depend either on the relative strength and weakness of the parties or the ability of each party to exert pressure on the other, or to have one party impose its will and authority on the other party and say that the solution he is offering is the only solution to be accepted and there is nothing else that can be done.

The third fallacy here says that the question of refugees is not confined to the Palestine refugees because there are many refugees in the region and, like the Palestinian refugees, you have also Jewish refugees that were forced out of their homes in the Arab countries. Therefore, you can find a *quid pro quo*. You have to make a deal involving an exchange between the two sides. You cannot say that the United Nations resolutions, especially 242 (1967), spoke about problems of refugees in general whereas everyone knows that resolution 242 (1967) is addressing the problem of Palestine refugees because that was the question with which the Security Council was seized in 1967. It was not talking about the Jews who left the Arab world voluntarily in some cases, or under some pressure in other cases, but nothing to be compared with the problem of Palestinian refugees. We should not get the two issues confused and we should keep our focus on the right direction. There are no centres where any given number of the so-called Jewish refugees are gathered or treated as "refugees". Furthermore, Israel has no legal rights or responsibilities of any representative capacity in the case of former Jewish citizens of Arab States.

The fourth fallacy says that the best approacn to solving this problem is to think of either integrating the Palestine refugees in the host countries where they live today or having them resettled in a third country. This approach is erroneous theoretically and it will not work practically. The most important thing is to admit, first, that there is certainly a problem. The problem should be defined clearly and it is defined, legally speaking, as the previous speakers pointed our clearly. Second, it is necessary to establish the responsibility for that, not in order to punish Israel for it because we are not here to punish anybody. We would like to live together, we would like to open a new chapter regardless of who did what and we are willing, really, to open a new chapter and would like to do that. We have to see whose responsibility it was in order to see who was the addressee of United Nations resolutions. We should think of two separate sets of negotiations, because the problem of Palestinian refugees is dealt with at the level of multilateral negotiations, and this is a different track, and is also dealt with in the bilateral Palestinian-Israeli negotiating track. When the Palestinians and the Israelis started to negotiate seriously for the first time before the signing in Oslo, many Israelis and many Palestinians thought of that issue and gave much thought to the question of refugees and the best and most equitable way to solve it. Many centres in Israel and within the Palestine Liberation Organization conducted extensive research on the matter because it is highly complicated and it is one of the essential aspects of the conflict. Unless it is dealt with adequately and fairly, it will remain moving in a vicious circle. However, in terms of real face-to-face negotiations between Israeli and Palestinian representatives, I would say that this started in late 1992 and 1993 prior to the signing of the Oslo agreement in August, which was signed later in Washington in September 1993. For the first time, the two parties began to focus for a while on the matter. For good or bad, they discovered that they would not be able to make any contribution to this problem at that point. Hence, they decided to postpone a comprehensive examination of that problem until the final status negotiations stage. They discussed the matter, they laid down certain documents here and there but in terms of a solution, it was left basically to the final status negotiations stage. Today, we find ourselves confronted with this problem. Why? Because the two sides have begun already to negotiate the final status beginning with the framework which is called FABS -framework agreement, on the final status. As they are doing that now, they discussed that issue several times so far and in these times, all these ideas have circulated, and the conversations cannot be considered conclusive because they have not reached the stage of making conclusions or approaching conclusions, but they discuss the issue extensively. I am a supporter of the Palestinian view that says the principle should be recognized by Israel that every Palestinian refugee has the right to return. This is the cardinal rule, the general rule. In principle, it should be considered and should be taken as a *donné*, as a given, then together with this, there is a certain room for thinking of the modalities of implementing that: how, when, under what circumstances and the like.

The modalities here can accommodate the various concerns. Some of these concerns might be legitimate but other concerns would be either grossly exaggerated or would be false and fallacious. The most important requirement is that no Palestine refugee should be deprived of his right to return. Israel is still implementing that right through the law of return, for Jews who live in the diaspora, people who live in the Soviet Union, Lithuania, Ukraine, Ethiopia and any place on earth where they are still enjoying all the rights emanating from their citizenship of return to Israel as the Jewish State. Hence, it should be considered that the Palestine refugee who was forced for one reason or the other to leave his property, his home, his city, his entire surroundings in 1948, has an equal right to return. In fact, he should even have a greater right. Let us say that their rights are equal to return to his home and then, as I said, in principle, what remains to be negotiated is not the right itself. The right should not be a controversial issue because under international law, by moral standards and even for pragmatic considerations, that right should not be denied to any Palestine refugee. The answer would be found in the modalities and there is a certain room for a give and take. Let us see how many, where they are, and try to figure out their choice. The right of return would not be forced upon anybody, it would be applicable to those who would like to go back home or to those who might prefer to go and live in the Palestinian State that would be established.

The question of compensation is a secondary issue because it can be provided for whether the person returns or not. Even those who return to their homes, to their property, can have the right to compensation for the loss of interest and the financial loss incurred while they were living in the diaspora against their will for all of these years. The issue of compensation should not be confused. First, with regard to the principle of the right to return, I should say that the forces of peace in Israel should stop asserting that allowing the Palestinian refugees to return means the non-existence of Israel. This is a false statement to make, a false premise. It is not true that the return of Palestinian refugees meant the destruction of the State of Israel; none of those who reject Israel among them would opt to go back and live in the Jewish State in order to destroy that State. I believe that this argument has been abused or misused. The Palestinian who opts for returning to the land where he came from is definitely one who is going to join the Israeli-Arabs. He will be an Israeli citizen. It will take him a few days, a few weeks, a few months or maybe a few years to adjust exactly to living there but he would certainly join a number of Israeli-Arabs whose number now is over a million, and any addition to that would not really upset or endanger the State of Israel.

The argument of maintaining the Jewish character of Israel could have some merit but it is not all the way true. There is a difference between maintaining the character of the State and maintaining the purity of its people. When you speak about maintaining the character of the State this would mean this State would be a haven for Jews, that would protect Jewish interests, a State that would see into it that the Holocaust would not be repeated, that the Jews will be respected, their rights will be protected wherever they live, not necessarily when the Arabs go to live in Israel. It is a matter of moral responsibility for all of us to have the Jews respected and dealt with equally wherever they choose to live, whether they go to Israel or not. Suppose that some Jews prefer to stay where they are; like most American Jews, they are entitled to have their rights protected where they are. They do not have to move to Israel in order to protect their interests. This is a moral and legal commitment and we are most willing to take in an effort that aims at giving them that protection because, like the Israelis, the Arabs or any other people can be subjugated to racist threats of this nature. To maintain the character of Israel does not mean to keep the Arab component of the State of Israel at a bare minimum. Suppose the Arabs increase in terms of population growth, that they multiply by percentages that are much higher than the rate of growth of the Israeli Jews, which is the case now except in certain sects of the Israeli general public, certain religious parties, right-wing parties and so on, but the average Israeli family tends to have less fertility in terms of population growth than the Arab population there. That should not be a nightmare scenario. If the Arab population in Israel increases, it will increase in what? Will these Arabs be increasing in an atmosphere of peace, of coexistence, of togetherness, of interaction, of integration of people who lived for centuries in the Middle East, in Andalusia, Spain, for seven centuries and who lived in the Middle East itself in peace and harmony until the 1940s or in an atmosphere of hostility and animosity? It should not be a difficult matter. It will not pose a threat to the security or existence of Israel. The character could be mixed. Even if this is the case as a result of natural growth, it should not be considered a threat to Israel or its security.

Let us say that when a comprehensive peace is made - and I hope that this will be made within the immediate future - then Israel is not going to insulate itself from the Arab world. Israel will have to open up because it is an Israeli claim to want to remove all barriers between Israel and all the Arab countries in order to establish open borders and relations of peace. You want to have trade relations, cultural relations, what is called a normalization with the rest of the Arabs. The fact remains that no matter how strong Israel is internally, it will have to open up to the Arabs and this might affect the character of Israel because it is not going to be a Sparta in the midst of countries that are unfriendly, that are hostile to Israel. To the contrary, many Israelis will be moving to the Arab world. Many Israelis will do business, going here and there, Arabs will go here, this way and that way. The character of Israel can undergo some change, but what kind of change? It is a benign change and it is not a dangerous one. This will not deprive the individual Israeli or the collectivity of Israel of any right. They will not be considered second-class citizens, they will not lose any of their privileges. To the contrary, they will make some inroads on the search for real peace and it is a question of interaction, and this is part of the process. I believe that if we agree to these general principles or this kind of framework, Israel should and would do itself a service if it accepts the principle of the refugee's right to return together with the other right of compensation. We should not think of simplistic solutions that do not address the problem itself because we have to begin with the assumption that a certain injustice was inflicted upon this people. If you try to solve the problem, either by pretending that it does not exist or by saying that these people should stay where they are now, that would not be a solution and you cannot impose it, either on the Palestine refugees or on their host countries. Thus, the best way here is to be open-minded, admit responsibility and say that you are open to accept unequivocally the principle of return and then talk about the modalities. In the absence of that, it will not be easy for us to make any inroads in the multilateral discussions or negotiations over the Palestine refugee problem. The only way for solving is to begin first at the bilateral level. Then, you would be able to talk about the compensation, indemnities, privileges that would be given to Palestinian refugees. An international effort would be welcomed, but welcomed as what? Not as a solution, but as a subsidiary or additional element in order to get a fair and just solution to this problem, a solution that would give us real and genuine hope that Israel is going to exist side by side with the Palestinian State not as adversaries or hostile States to one another but as States that share the same destiny. They are sharing the same land and they should share the same destiny.

Let me conclude by saying that had I been an Israeli, I would realize that the best guarantee for my future is to get real and genuine Arab acceptance. How can you do that? You can do that by being fair to the Arabs, by admitting what happened in the past, and then this acceptance can come true, mainly on two conditions: first, giving the Palestinians their land which was occupied on 5 June 1967 and then seeking a fair and just solution to the Palestine refugee issue. Only then would you find a real and genuine acceptance by the Arabs from the depths of their heart because there is no animosity, there is no prejudice to start with in their minds. Animosity is not deeply rooted in our culture. We never knew the phenomenum of anti-Semitism. There were some few cases, individual cases here and there, but that was not indicative of a deeply rooted anti-Jewish feeling because the Arab sentiments, by nature, couldn't be that. They belong to the same race, have the same destiny, they came from the same land, their beliefs are similar and they have lived together for centuries and there is no reason for anybody to think that there is a basic contradiction between the interest of both sides. When they were expelled from Spain in the year 1492 they were expelled together; they lived together, worked together, thought together. Maimonides wrote most of his books in Arabic and they were translated into Hebrew afterwards and into other languages like Spanish, and we have to revive this tradition of real and genuine coexistence. What we need is not only normalization but genuine coexistence based on real and genuine acceptance. One of the prerequisites for this acceptance would be for the Israelis to abandon thinking that an Israeli right is superior to a Palestinian or an Arab right. The Arab rights are equal to Israeli rights. There is no superiority whatsoever, there is no precedence when it comes to that. Legally speaking and morally speaking, an Arab right equals an Israeli right. You cannot claim that an Israeli right is superior or that it gains a certain precedence over Arab rights simply because Israel is a strong country militarily or that Israel is backed by certain forces outside Israel or because Israel has the sympathy of the world on account of the Holocaust and the like.

## HENRY SIEGMAN

Director, United States/Middle East Project
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My intervention will be a very brief one. It will be brief for two reasons. First, the less I speak the less I expose myself to your criticism and unhappiness, and secondly, and more importantly, I think that after Dr. Al-Baz has spoken and said what he does, my speech essentially is redundant, as you will see from some of the points that will echo what he has said. If I speak anyway it is because I do not want to jeopardize the reimbursement of my expenses for coming here.

Now, having listened, ladies and gentlemen, to very interesting and often very provocative presentations yesterday and today, I would not be so reckless or foolish, perhaps, I should say, as to propose to you a precise formula for the resolution of the tragic problem of the Palestine refugees. Allow me to suggest to you, however, that there is a fundamental precondition without which this problem will not be solved. Indeed, without this precondition none of the problems, none of the permanent status issues that are now on the table in the discussions between the Palestinians and the Israelis, will be resolved and peace will continue to elude the best efforts not only of the parties themselves but of the entire international community. Now, I say this because it is not the absence, in my view, of a general desire for peace on the part of Israelis or Palestinians, or the absence of formulas that can accommodate the essential needs and aspirations of both Israelis and Palestinians that has frustrated the peace process all these years. Indeed, formulas, rational formulas for the resolution of these problem, if they could not have imagined them for the past 50 years, I doubt very much that they are going to be discovered within the next several months. So that's not the problem.

Rather, it is the absence of the critical political will that is necessary for the acceptance and implementation of what at the end of the day everyone knows needs to be done. Now, this political will will not be mustered, I fear, has not been mustered in the past and will not be mustered by mid-May, certainly not by mid-May and I am afraid not by mid-September, unless Israelis and Palestinians, looking at one another, recognize a precise mirror image of their own humanity, their own aspirations for individual and national dignity and self-determination. Of course the major difference is that Israel has achieved its national aspirations and Palestinians have not. Furthermore, there is a massive imbalance between the two parties of military power and massive imbalance of political influence internationally and also a massive imbalance of economic achievement. And that imbalance, inevitably, places the moral and political burden of peacemaking disproportionately on Israel.

Without becoming inappropriately autobiographical, let me say that as a survivor of the Holocaust and also as a refugee who was homeless for a number of years before finding safe haven in the United States, I understand on my flesh and in my bones, in my soul as it were, the anguish and suffering that led the Jewish people to reconstitute themselves and their national existence and independence in Palestine. That personal experience, if you will allow me, also makes me quite intolerant of the ugly anti-Semitism and the denial of the Holocaust that unfortunately still all too often is to be found in the Arab media and even sad to say in mosques and religious institutions. But it is also precisely because of that personal experience that I feel, equally on my flesh and in my soul, the anguish and the suffering of the Palestinian people who remain homeless and the Palestinian refugees who continue to exist in the most appalling of circumstances a half-century after the *nakba*. And let me say parenthetically, it is not the smallest of Israel's sins that they do not have the empathy and understanding to permit Palestinians to mourn for that genuine *nakba* that they experienced.

It is because of that personal experience, which of course was also a collective Jewish experience, that the Jewish people collectively cannot blind itself to the fact that its own successes cause grave injustices, homelessness and great suffering to another people. At the very least, that act requires that Israel does everything it can, short of impairing its own very existence, to redress those injustices and to alleviate that suffering. Now, this process of redress and alleviation cannot begin without Israel recognizing honestly and publicly and openly its own moral responsibility for the plight of the refugees - a responsibility that Erud Barak, unfortunately to this very day, has not yet acknowledged. Now it is one thing for Israel's leaders to say that Israel cannot solve the problem of the refugees entirely on its own and that the solution requires the participation and assistance of the entire international community and of the countries of the region with, or without, at the same time denying its own unique responsibility for that disaster. To deny that moral responsibility, I would submit to you and to my Israeli friends, only diminishes Israel, its moral foundations and the values which it is supposed to incarnate it as a State and a society. Now, I do not wish to engage in polemics, although I may make one or two exceptions, and that is why I will not comment on the presentations that I have heard, whether I agreed or disagreed with them. I will say that one should not invoke international legality selectively, by which I mean one should not invoke United Nations resolutions whether on refugees or any other aspect of the Israeli-Palestinian or larger Israeli-Arab problem in a context that, implicitly if not explicitly, denies the very existence and certainly the legitimacy of the State of Israel.

Now, unlike my friend Osama, I am not a lawyer; I am not an expert on international law, but I wonder nevertheless how many Member nations of the United Nations had their very foundation affirmed by the entire international community by a majority vote of the nations that belonged to the United Nations in 1947. Those who would question the binding character of that UN resolution establishing the Jewish State, and I stress that that is what the resolution established - a Jewish State - cannot demand that other resolutions adopted by that same body must be honoured and implemented.

In conclusion, of all the changes that the parties to this conflict must undergo to reach the goal of peace, it seems to me that the ability to recognize the dignity of each other's national identity and aspirations as not one whit less worthy than their own, as Osama stressed correctly, is by far the most difficult change to undergo. Yet without that mutual empathy and understanding, I believe that neither the refugee problem nor any of the other issues that need to be resolved in the final status negotiations leading to a successful peace will in fact be resolved.

## KARIN ROXMAN

Political Adviser to the Special Envoy of the European Union
to the Middle East Peace Process

I address you here today on behalf of the European Union Special Envoy to the MEPP, Ambassador Moratinos, who would have liked to be present at this important conference, but could not due to other commitments. Furthermore, in my intervention, I shall be very brief and to the point, limiting myself to the role and responsibility of the European Union in regard to the issue of Palestinian refugees in the permanent status negotiations, which now seem to be in progress, and to the issue of the aftermath of an eventual settlement in order to consolidate a genuine and lasting peace.

The first point I would like to stress is that the European Union position concerning the Palestinian refugee issue is very clear: there cannot be any just, lasting or comprehensive peace settlement in the Middle East without a solution to the long-standing Palestinian refugee issue, which lies in the heart and core of the conflict in the Middle East. Although it is an issue the solution of which has to be negotiated and resolved directly by Israel and the Palestinians, it is indeed an issue with global consequences as it affects all countries with a Palestinian refugee population such as Egypt, Jordan, Lebanon, the Syrian Arab Republic and the Gulf countries, as well as the international community. We will all be involved in some way or the other. But - as many of the previous speakers have said - more than any other party, the refugees themselves will be affected. It is their future which is now being negotiated, and about to be decided.

Second, as far as the European Union has been told by the core parties, the refugee issue is now being negotiated in order to be included in the Framework Agreement together with all other outstanding issues such as Jerusalem, borders, security, settlements and water, the objective being to have not only a skeleton but a relatively comprehensive agreement although without any technical details. In the two rounds of talks, which so far have taken place in Bolling outside Washington, the involvement from outside has been limited but it will change in the third round of talks, with the US Government from now on being more actively involved. The European Union has expressed its willingness to be engaged, but only if the parties feel that such involvement is required and is regarded as an asset to the negotiations. Although information received on past talks indicates that the Israelis and the Palestinians are still far apart in their positions, the very fact and clear evidence on both sides of a serious willingness to continue talking makes the European Union quite optimistic. The prospect for a peace settlement seems now to be a realistic option. The parties have as their objective to conclude a Framework Agreement by the end of May, which puts a lot of pressure on them. An even more important timeline is September for the final agreement on permanent status. There are no easy solutions to any of the issues. Both sides will have to make difficult and painful concessions. It might be less problematic when it comes to some of the issues, but with the highly emotional issue of refugees, it will be extremely hard for the parties to find one - for all parties - acceptable political solution. However, the complexity of the issue cannot and should not prevent the parties from starting their elaborations.

Third, it should be said that the European Union has a high stake in a just and lasting peace in the Middle East for its own reasons. It is therefore more than willing not only to help promote a sustainable outcome of the ongoing talks, but also to assist in making peace a reality once the parties have reached a settlement. The European Union is preparing itself for such times as it wants to be ready to respond to requests from the parties and to be able to meet the needs of the region. It is for those reasons that the European Union at present is working on a paper in which it is identifying its own interest in the region, is drawing up its own vision of the future and is going to propose a set of recommendations or guidelines that could constitute a possible European contribution to peace in the Middle East. The European Union does know very well that making peace demands more than just resolving conflicts of the past. What the European Union foresees is that peace accords, signed by the parties, will require a close follow-up and certain political guarantees in order to be fully implemented.

As my fourth point I would like to mention that the European Union already has taken strong political and economic responsibility for the Palestinian refugees. There are five areas of European Union input which I would like to emphasize:

1. As I have already said, the European Union has expressed its readiness to contribute to the permanent status negotiations by offering specific suggestions to the parties on related issues such as possible Palestinian statehood, borders, security arrangements, settlements, Jerusalem, water and, not least, refugees. The European Union does so not having any intention to predetermine the direct negotiations between the parties, but simply to be ready to be useful at the right time. With that objective the EUSE has established two informal task forces, one on water and the other on refugees, which group together representatives from the 15 member States. They meet regularly to develop and coordinate practical European Union inputs and aim to play a catalyst role. Different studies have been initiated in order to define and develop creative ideas and expertise for the benefit of the parties.

2. The European Union is the main collective donor to UNRWA. The European Union is well aware of the political and humanitarian importance and necessity of continuing to give economic and political support to UNRWA as long as the refugee issue is not solved and for some time thereafter. The refugees must be guaranteed such support from the international community as long as there are refugees in need. Improving the currrent living conditions of refugees in Lebanon is a must.

3. The European Union strongly supports the Canadian Gavel-holder's efforts to maintain activity in the Refugee Working Group. The Ministerial Steering Committee meeting in Moscow a few months back was seen as a revival of the multilateral process. The European Union would like the meeting to be followed up at least on a working level. The European Union is charged with a particular responsibility for the promotion of regional

economic development, as the shepherd for economic and social infrastructure. The European Union is considering organizing a workshop later this year to follow up recent work and studies on the refugee issue.

4. The European Union has a strong record in supporting different people-to-people activities in Gaza and the West Bank. This programme should be encouraged to involve more activities in which there is a participation from the refugees themselves but also other groups in society in order to break down taboos and widen the knowledge of refugees and their background, particularly in Israel. Bringing people together on concrete activities is essential in order to achieve change.

5. The European Union strongly supports seminars and workshops involving professionals which can, apart from increasing international awareness of the refugee problem, also contribute with new ideas and present intelligent ways of building bridges between countries and people. Much work has been done, but more is needed.

It is evident for all of us gathered here that there is an urgent need to solve the long-standing Palestinian refugee issue. It has been with us for more than 50 years. The European Union realizes that for the Palestinians as a people, a just solution for their plight and suffering is a condition sine qua non in order to achieve a real lasting peace. The European Union will support a political solution to the refugee problem to be negotiated and agreed by the two parties - Israel and the Palestinians - on the basis of international legality and in the context of United Nations resolutions such as 194 (III).

In conclusion, the European Union has an important role to play in the peace process, which is acknowledged by all parties. The European Union is willing to assume its responsibility and is preparing itself to act swiftly to support the consolidation of peace in the region. The European Union believes that a settlement of the issue of refugees will have to take account of the new realities of the situation of refugees since 1948, in particular the political, demographic and economic changes affecting the countries and populations concerned. The European Union is aware that a comprehensive peace settlement in the Middle East will come with a "hefty price tag". However, the European Union would like to stress that there might be hesitation from the international community to pay for everything connected with and included in the peace accords. Financial resources might not come forward as expected due to donor fatigue and for other reasons.

On a more personal note, I would like to say that it is my belief - and here I echo the voice of some other speakers - that the individual refugee must personally feel the benefits of any solution whether it comes in the form of return, compensation, rehabilitation or resettlement. To cite Mr. Dag Hammarskjöld, the former United Nations Secretary-General, in one of his books: "A solution forced on the refugees against their will, will not lead to a lasting peace." That remark, from 50 years ago, is just as relevant today.

## ANDREW ROBINSON

Special Coordinator for the Middle East Peace Process
Department of Foreign Affairs and International Trade, Ottawa

I am grateful to the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Organization of the Islamic Conference and the League of Arab States for extending an invitation to me to participate in this meeting on the question of Palestinian refugees. It is a pleasure to be here.

Canada has the responsibility of acting as "Gavel" or "Chair" of the Refugee Working Group, one of five working groups of the Middle East multilateral peace process. I am happy to have this opportunity to speak with you today about the work of the international community within the peace process, as exemplified by the Refugee

Working Group, in support of a just and lasting negotiated solution of the refugee issue. I also want to talk to you about Canada's approach to its responsibilities as Gavel of the Refugee Working Group.

This Conference is a reflection of the increased international attention paid to the refugee issue itself, and the increased international awareness of the need to resolve it as part of the process of achieving a durable peace.

I should perhaps begin by setting the Refugee Working Group clearly in the context of the Madrid peace process. As you know, the invitation to Madrid was based on UN Security Council resolutions 242 (1967) and 338 (1973), which together enshrined the international community's overall approach to a resolution of the problem: land for peace, recognition of the rights of all States in the region, non-acquisition of territory by force, peaceful resolution of the dispute through negotiations and the need for a just solution to the refugee issue.

Six months after Madrid a conference was held in Moscow in January 1992 to launch the multilateral peace process. At that conference five multilateral working groups were established, on the Environment, Water Resources, Arms Control and Regional Security (ACRS), Regional Economic Development and of course on Refugees. In Moscow, Canada was asked to assume the Gavel or chair of the Refugee Working Group.

From the beginning these groups were designed to complement and supplement the bilateral negotiations, but not to substitute for them. They were intended to permit the international community to bring its experience, talents and financial support to helping the parties to address those aspects which could not be fully resolved except by a regional approach, or which had important regional implications.

An important factor from the beginning was the decision that the Working Groups would work by consensus. This was seen as the best way of ensuring that what was undertaken in the multilaterals would be seen by the regional parties themselves as being of value and that what was undertaken through the multilaterals would produce win-win results. The multilateral process was not intended to duplicate the debates for which other international forums are more appropriate.

From the beginning the Group recognized the need to define its mandate loosely, to enable progress on practical matters and to facilitate discussions and exchanges of broader or more sensitive subjects, without compromising the bilateral negotiations.

By consensus our mandate has come to have three parts:

- Improving the current living conditions of the refugees and displaced persons without prejudice to their rights and future status;
- Easing and extending access to family reunification; and
- Supporting the process of achieving a viable and comprehensive solution to the refugee issue.

It is important to underline that this mandate can be as broad as the parties themselves agree. It is not limited to humanitarian efforts, although that is the area on which it has been easiest to develop projects and to produce tangible results.

In light of this mandate, and especially the requirement that the group act by consensus, the work of the RWG has always been affected by the atmosphere in the bilateral negotiations. When there has been a positive atmosphere, especially in the period 1993-1995, the Working Group has been able to make good progress. When, however, the bilateral negotiations, especially the Israeli-Palestinian negotiations, have not been going well, or when they have been at very sensitive moments, as at present, the room for high-profile discussions or for ground-breaking projects is naturally more limited.

Despite the ups and downs of the peace process, however, the Refugee Working Group has been able to continue meeting, both at a policy and coordination level and at a practical project level. We have continued to develop projects designed to improve the living conditions of the Palestinian refugee, to develop a broader information base about their conditions, to promote vocational training and to support family reunification.

The RWG has attached real importance to maintaining direct contact and dialogue with the refugees themselves, and to keeping the attention of the international community focused on the situation and needs of the refugees themselves.

One of the ways we have done this has been to conduct international missions to camps in various host countries. In the last five years we have conducted such missions to Jordan, twice, and to the camps in the West Bank and Gaza. A similar international mission was conducted to the camps in Lebanon, and Canada conducted its own national mission to the camps in the Syrian Arab Republic. The reports of these missions have served to identify recommendations which have been followed up by our "shepherds", member countries who have agreed to take the lead in respect of certain areas such as public health, vocational training, databases, family reunification and so forth.

Just to give one example, the mission to Lebanon in 1997 produced within a year $15 million of additional resources for UNRWA in Lebanon, and has been followed up by two new projects which after development are just now dawning, an UNRWA project to improve access to hosptal services for Palestinian refugees in Lebanon, and a programme to provide post-secondary scholarships for women refugees in Lebanon. More information about these missions and other aspects of the RWG can be found on the Canadian Department of Foreign Affairs web site, whose address is www.dfait-maeci.gc.ca/peaceprocess. We encourage you to visit and explore our site. This web site reflects our commitment to transparency.

Through the work of the RWG "shepherds", and to a large extent in collaboration with UNRWA, the RWG has succeeded in mobilizing millions of dollars of support for projects in the camps, whether in Lebanon, the Syrian Arab Republic, Jordan or in the West Bank and Gaza.

The RWG has consistently expressed support for UNRWA, and for the vital work it is doing, under extremely difficult budgetary conditions. UNRWA's responsibilities and engagement make it a force for stability that must be maintained (and financially supported) at least until a political solution to the refugee issue is agreed.

In this connection I might perhaps mention that Canada itself has increased its contribution to UNRWA by 50 per cent over the last two years, bringing the total Canadian contribution to UNRWA since the signing of the Oslo accords in 1993 to $100 million. This year, in addition to our contribution of UNRWA's core budget, there will be support for specific projects, including $500,000 in support of a project to improve the access to hospital care for Palestinian refugees in Lebanon. Our total allocation this year will be in excess of $15 million. Support for UNRWA will remain vital.

The RWG has also achieved a modicum of success in the area of family reunification: most of the backlog of family reunification applications submitted has been dealt with, and annual quotas fully met. For last year only, the numbers accepted increased from 2000 to 3000 cases. But we wish things would move faster: there is an enormous backlog and as a humanitarian gesture alone this should be speeded up.

I can also draw your attention to a related success story in connection with the refugees. Refugee families who have been waiting in so-called "Canada Camp" in Sinai since the Israeli withdrawal from Egypt are now being returned to Palestinian territory - through the cooperation of Israel, Egypt and the Palestinian authority, and with funding provided by the Governments of Canada and Kuwait. It is anticipated that all the families will have been relocated back to Gaza. This will mark the first time that a Palestinian refugee camp can be closed as a result of the return of all of its family members to Palestinian territory.

But I hasten to assure you that while the RWG attends to projects and details, we have not lost sight of the bigger picture. We all recognize that the major questions in the Palestinian issue are not just the humanitarian issue, but the larger issue of achieving an agreement which can provide a just solution to the refugee question. The parties themselves have agreed to a process of bilateral negotiations for the resolution of the core final status issues - including refugees. But I am convinced that at some point - I expect sooner rather than later - they will decide to turn to the international community for assistance with regard to various dimensions of this process, such as financial support, regional engagement and institutional evolution. There is room for all of these within the mandate of the RWG, if the core parties wish it. In the meantime, the RWG remains active. Despite difficulties in the peace process, our work has continued at sub-plenary level, and the key players (about 14 parties) meet regularly to explore issues, take stock of developments, exchange ideas and approve projects.

I would like to emphasize that neither Canada nor the RWG as a whole has any particular plan for the details of a negotiated solution. Canada's approach to being Gavel-holder of the Refugee Working Group has always been one of recognizing the primacy of the bilateral negotiating process, without however losing sight of the historical and international context of the Palestinian refugee question. There has been no change in this approach. As a country deeply attached to the principles of human rights and human security, Canada always encourages the parties concerned to recognize that to be durable any solution should respect the rights and dignity of the refugees and the obligations of the various parties involved, and it should be consistent with international law. The closer it comes to this, the more likely is it to win the support and respect of the international community. But neither Canada nor the RWG promotes any particular outcome or initiative that could complicate or prejudice the bilateral negotiations, despite inaccurate reports carried from time to time in the media.

However, the RWG, both through its own actions and through encouraging others, has done much to foster increased understanding of the nature of the problem. There have been exploratory discussions sponsored in a variety of venues which have developed information and expanded contacts. I believe there remains a significant role for the multilateral community, academics and NGOs to play in the refugee issue. This is especially so in the realm of exploring, researching, clarifying and developing new ideas and alternatives, and in encouraging people-to-people dialogue at all levels. In these activities in particular we must increasingly aim at increasing mutual understanding and promoting reconciliation, and not just Arab-Israeli, but in some cases Arab-Arab as well. Moderation in language is essential for civilized discourse, even when dealing with injustices on the scale which have characterized - and continue to characterize - the Arab-Israeli dispute.

As you all know, the Syrian Arab Republic and Lebanon have declined until now to participate in the multilateral process. Each of these countries hosts, however, approximately 10 per cent of the Palestinian registered refugee population, and will undoubtedly be affected by any solution that is reached through the bilateral negotiations on the refugee issue. Every time the RWG has met in plenary it has regretted the absence of these two host countries and has encouraged their participation. As the Canadian Special Coordinator for the Middle East Peace Process I have maintained a regular and healthy dialogue with appropriate interlocutors in both the Syrian Arab Republic and Lebanon. This has been valuable, but nevertheless I look forward to the day when they can add their own particular perspectives directly to the RWG's discussions of the Palestinian refugee issue.

I turn briefly to the plans in the Refugee Working Group for the immediate future. We are consulting with core parties about their future expectations for the Working Group and about how to prepare for a successful plenary meeting. As Gavel-holder, Canada will convene such a meeting whenever we judge, in consultation with the co-sponsors, that it can make a positive contribution to the negotiating process. Meanwhile, we will continue to work actively with the parties involved, with a view to making a positive contribution to an early and just resolution of the Palestinian refugee question.

**ALEXANDRE ZASSYPKIN**
Head of the Middle East Peace Process Desk,
Middle East and North Africa Department,
Ministry of Foreign Affairs of the Russian Federation

## Problem of the Palestinian refugees in the context of the Middle East peace process

First of all I would like to extend my sincere thanks to those who initiated the International Conference on the Palestinian Refugees for hosting this meeting. In the framework of this Conference we will have an opportunity to exchange opinions on a large number of aspects concerning the problem of the Palestinian refugees. It is gravely important that the Conference is being held while some deep changes occur in the Middle East region, in particular, those connected with the advance of the peace process, aimed at the achievement of the comprehensive Arab-Israeli settlement.

Such settlement should provide lasting peace, reliable security, stability, equal rights for all States and nations of the Middle East, and should put an end to the conflict that has lasted so many years and has caused such a sore human plight and such huge material losses. Among those who have suffered most of all are the Palestinian refugees. They have found themselves in the centre of the crisis, as they were forced to leave their homeland and dispersed over the region and as a matter of fact around the world.

The problem of the Palestinian refugees has its political and humanitarian dimensions. It is hardly reasonable to distinguish between them. Hence improving the situation of the refugees requires efforts of the international community on both directions. Therefore I would like to draw your attention to the contribution of those organizations, States and particular individuals - doers of good deeds - who have been providing the Palestinian refugees with asylum and rendering them all-round assistance for decades. Among them are the countries where the refugees live, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), UNDP, as well as international donor mechanisms and the multilateral Working Group on Refugees.

At the same time it is worth noting that the problem of the Palestinian refugees represents one of the most complex elements, and is in fact a cornerstone of the Middle East peace process. Without an acceptable solution to this problem it will be impossible to reach a comprehensive settlement of the Arab-Israeli conflict, which a number of States have been trying to achieve for many years in the framework of the peace process, launched in Madrid. Thus it is necessary to note that although the refugees issue has its own specificities, it is connected with the other major issues of the Arab-Israeli settlement.

In this regard, I intend to make some remarks on the current situation of the peace process. The process itself has had a quite uneven character, moving with its ups and downs. Moreover, it concerns all negotiating tracks, including the multilateral one. At the same time, I would like to emphasize that the peace choice has become a main basis for the political course of the parties concerned. Despite some difficulties, this factor defines the historical predestination of the Arab-Israeli settlement, which can be reached in the foreseeable future. In the region it is understood that there is no other reasonable alternative to the conclusion of the peace agreements. In addition, the peace process enjoys growing support from the international community, which is taking not only political, but also substantial economic and other forms.

As a co-sponsor of the Middle East peace process, Russia, in collaboration with the American co-sponsor, together with the direct negotiating parties, the European Union and other parties concerned, is facilitating the creation of a favourable atmosphere around the peace process, the rapprochement of the parties' positions and the search for the solutions to the contentious issues. In our activities we avoid pressure and double standards, laying special stress on mediating efforts. At the same time, bearing in mind our obligations, stipulated by our co-sponsor's mandate, Russia is guided by international law, first of all Security Council resolutions 242 (1967) and 338 (1973), considering that only on such a basis is it possible to build a lasting peace in the region. Any decisions and agreements outside this framework would lead to erosion and cracks in the peace. In this regard, I would like to stress the importance of implementation of the "land for peace" principle, which provides mutual movement of the negotiating parties towards each other, defending their own priorities, but at the same time showing readiness to compromise, to take into consideration the legitimate demands and concerns of the negotiating partners.

On the Palestinian track the parties are dealing with the completion of the transitional period in the Palestinian territories and holding intensive negotiations on their final status. We appreciate the serious approach of the negotiators, their intention to reach a final settlement during this year. Taking into account the complexity of the problems that should be resolved through dialogue, one may understand that this is really a difficult task. Borders, settlements, the status of Jerusalem, refugees, water resources are multi-pronged issues, which have become increasingly complicated over the decades. Therefore the negotiators and all parties involved are required to show a maximum of realism, constructiveness and especially responsibility in resolving the contentious issues. Their solution will not only decide the destiny of the Palestinians and their relations with the Israelis, but also will have an impact on the situation in the region as a whole. Now it is too early to predict what specific parameters the final agreements will include. The development of the negotiating process requires discretion and an appropriate confidential atmosphere. At the same time, I would like to underline that the realization of the national rights of the Palestinian people as the result of the talks, including their right to self-determination and the creation of their own State, could help to make a breakthrough towards the Palestinian-Israeli settlement and would facilitate the solution of all issues of the final status of the Palestinian territories. There are a number of features that should be taken into account in the search for the solution of the problem of the refugees: the specificities of their present situation, the state of the diaspora, expansion of opportunities of absorption through creation of additional jobs, improvements of the social and economic infrastructure, implementation of the regional projects which reduce social and economic burdens and so on, in other words to provide multi-optional solutions, above all acceptable for the Palestinians and other parties involved. As a result it is necessary to do our best so that the Palestinians may possess equal rights with all nations of the region, the entire international community.

There are serious problems on the Syrian and Lebanese tracks. Without progress on these tracks the peace process will stumble and fail to become universal. I am sure that the implementation of the formula "full peace for full withdrawal" is the key to working out a common basis of the parties' positions, which means the fulfilment of the main Syrian demand to return all of the Golan Heights, as well as the setting up of reliable security measures and establishment of normal peace relations. The Lebanese track is closely linked to the Syrian one: the Syrian Arab Republic and Lebanon constantly emphasize their interest in moving simultaneously towards peace. This seems to be the proper option for the settlement. The decision of Israel to withdraw from Lebanon has two aspects. On the one hand, the fulfilment of Security Council resolution 425 (1978) itself is a necessary and inevitable component of the settlement. On the other hand, its implementation in the current situation in South Lebanon is not an easy job and does not exclude aggravation of the situation. In this regard the important task is to avoid unfavourable developments, keeping in mind that a fundamental improvement of the situation in the Triangle - Israel, Lebanon, Syria - is possible only through the dialogue.

I wish to say a few words about the multilateral track of the peace process. On the one hand, it is bound to contribute to progress on the bilateral tracks. On the other hand, it is the mechanism of discussion and solution of important problems, which substantially will define the future development of the Middle East region in the post-conflict period. For my part I am sure that the multilateral Steering Group meeting held in Moscow in February this year became the important milestone on the road to the revival of this direction. Its decisions precisely reflect the purposes and tasks of the "multilaterals". We hope that the situation in the region will permit the fulfilment of the Steering Group`s decisions, in particular those which stipulate the conducting of the plenary meetings of the working groups.

I think it is necessary to note that we regard the solution of the Palestinian problem, including issues of statehood and refugees, as building blocks of the foundation of the post-crisis Middle East, where all countries will enjoy balanced relations, based on the principles of security, good-neighbourliness, non-interference in internal affairs, non-use of force, settlement of all contentious issues by political means and the development of mutually advantageous cooperation. In this context allow me to draw your attention to the idea, introduced by the Minister for Foreign Affairs of Russia, Mr. Ivanov, in his presentation at the Moscow Steering Group meeting, of establishing an organization for security and cooperation in the Middle East that would become an heir of the peace process.

Finally, I would like to stress once again that a just solution of the Palestinian refugees problem will become an important factor for strengthening stability not only in the Middle East, but also in the international arena as a whole, and will become a good example of the consolidation of ideals of humanism and international law.

## AS'AD ABDUL RAHMAN

Member of the Executive Committee of the Palestine Liberation Organization
Head of the Refugees Department

There is more than one advantage to being the last speaker. One of them is that I will take advantage of the fact that most of us are exhausted; the second advantage that I will benefit from is the fact that most of the ideas, suggestions and recommendations presented here, especially those by Dr. Osama El-Baz and Mr. Henry Siegman, would relieve me of being redundant, so I will just try in the remaining time to modify some of the points in my presentation to concentrate on two main aspects.

Number one is the essence of what seems to be the present problem in the negotiations concerning the issue of refugees, without going into the history. I am emphasizing the present part. The other one is the actual development in the negotiations until the present moment.

We all agree that the settlement of the refugee issue is a prerequisite for a just and lasting peace in the Middle East. This is because if the Palestinian-Israeli conflict is the core of the Arab-Israeli conflict, I would like you to remember that the essence of the Palestinian-Israeli conflict is the issue of refugees. That is why, in the opening session yesterday, I made it a point to mention that the refugee problem, as we see it, is really and literally the number one problem in the Arab-Israeli conflict, not only in the Palestinian-Israeli conflict. Why is that? Simply because talking about the refugees is not talking about a class of people, a segment of a society, a certain insignificant number of a certain geographical area; it is talking about 70 per cent of the total population, of the total number of the Palestinian people, and when you talk about 70 per cent of any people, then you are really talking about that whole people.

Secondly, we all know the dire situation in which the Palestinians, or a substantial number of them, live, namely, in the refugee camps. With the economic deprivation they endure, with the political frustrations they suffer from, social alienation - I am not going to talk about the details of that nor the history of that; you have covered that and I am thankful to the courageous Israeli new historians and revisionists, as they are called sometimes, who have really clarified many of the points that we have been advocating and insisting upon in the last 50 years - but the most important thing about this dire situation, their poverty, the catastrophic conditions they live in, transforms them into a conglomeration of political dynamite, a fact to be always remembered.

Thirdly, a bit more than 80 per cent of the refugees still live in the region, either in the historic land of Palestine - because we have a quarter of a million Palestinian refugees who have Israeli citizenship, who have had Israeli citizenship since 1948, and we have 74 per cent of the total population of the Gaza Strip as refugees, we have 21 per cent of the total population of the West Bank as refugees - or among the 1.5 million Palestinian refugees of Jordanian citizenship, but they are still Palestinian refugees. And the numbers in Syria and Lebanon are very well known to you, in addition to the roughly 53,000 in Iraq. The fact that they are still living in this part of the world and that they have not been dispersed to the four corners of the world signals that they are still very closely attached to their homeland. The proximity of their homeland is an added factor.

The fourth and last one in this respect is the fact that to present these Palestinians that are dispersed in the nearby Arab countries with anything not acceptable to them would mean endangering the stability of the whole region. The spillovers of any failure to settle the refugee problem would not limit itself to the Palestinian-Israeli dimension or to the land of Palestine, in general. It would have a spillover effect throughout. Yet, with all these dangerous facts that are known to all parties - and I can assure you, to the Israelis as well - nevertheless the Israeli political elite is not paying the least serious attention it should be paying to the Palestine refugee problem. As a matter of fact, the political elite - and I could venture to say not only the ruling elite, but even those who constitute the remaining part of the ruling elite, of the political elite - are dealing with the refugee problem very lightly. The only official Israeli answer that we hear in addressing this problem has been oscillating between two extremes, either totally ignoring it or totally exaggerating it, and this is dangerous. When they tend to ignore it, they start talking as we have heard this morning: there is no Palestinian people, who are the Palestinian people, where are the refugees, there are no refugees; and then they start equating the facts of what happened to the Palestinian refugees with what happened to the Jews of the Arab world, etc.

Dealing with this issue so lightly affects the general awareness which we all seek, causes the collective amnesia that Dr. Salman Abu-Sitta talked about, and then we would see immediately a complete shift to the other extreme, when they start saying that the return of the Palestinian refugees would mean simply the destruction of Israel, destroying the purity of the State of Israel, etc., etc.

Now, what is even more dangerous in this respect and in addition to the present Israeli Government's policy of playing the various tracks one against the other, the Palestinians against the Syrians, the Syrians against the Lebanese, the Lebanese against the Syrians, etc, etc, in addition to that, on our own Palestinian-Israeli track, they are doing their utmost to play the interim agreement with the final status agreement. When we sit down to negotiate about final status issues, they start talking about the interim agreement issues, even the issues that we have signed protocols about; this is like trying to pay yourself out of your own account. It is like using your plastic card to pay yourself back for a certain debt. Playing the interim issues with the final status issues has been stalling the negotiations for a while.

The Oslo agreement and the subsequent agreements have emphasized two main issues:

The dispossessed, the *nazahin*, as we call them in Arabic, are part of the interim agreement and this particular issue has its own mechanism of solving it, of negotiating about it, of trying to settle it, of trying to reach a compromise about it, namely the Quadripartite Committee, which is composed of Egypt, Jordan, Palestine and Israel.

What happened on that track and what is happening right now? In capsule form, just not to take any additional time on this particular issue, during the time of Mr. Netanyahu, we did not move a bit. There was some motion but no movement whatsoever. Thanks to the leading role of Egypt, we had a meeting between the three Arab parties of the Quadripartite Committee in Gaza. Israel was invited but declined the invitation. Then, Egypt, once again, thanks to the triangular cooperation between Egypt, Jordan and Palestine in this respect and on other issues as well, declared a certain time for a meeting in Cairo for the Quadripartite Committee. And because of the changing political situation and because that constituted lots of pressure, thanks also to the pressure that came from the international community, Israel attended. Ever since then, there has been some movement on that particular issue of the dispossessed, the displaced, the *nazahin*. Four technical meetings have been held since then, trying to define all the technical issues, mechanisms, etc. Hopefully, soon enough, we would know whether the Israeli Government would go along with us or once again, would start stalling the whole process of this basic interim issue. Those who would not implement what has been agreed upon with protocols about the displaced, the *nazahin*, will never do anything about the refugees *al ajin*.

This takes me to the issue of the refugees of 1948. Here, as you know, we have two main mechanisms: the multilateral - I am not going to talk about it because my good friend, Andrew Robinson, has covered that issue and you are going to see that on the web site fully and you would know exactly what has been happening on that particular track - and the bilateral one. It is no secret that nothing happened during the three years of Mr. Netanyahu's era. I am sorry to say that the first year of Mr. Ehud Barak's ascendance to power has been lost for nothing. Almost one year withered away, faded away for nothing. You remember the story of the Plantation, of Sharm El-Sheikh number one, Sharm El-Sheikh number two, with all the Israeli policy of stalling in that respect until finally, the meetings at Bolling, the first round of the meetings at Bolling Air Force Base, yielded nothing, literally nothing. It was just a brainstorming session that happened between two intellectuals or two sides of intellectuals; nothing really materialized out of it. To start with, there were no high expectations simply because the Israeli delegation did not have any power whatsoever to discuss anything with us, let alone negotiate with us. After the start of the second round of negotiations on the final status issues, some progress took place only when Mr. Barak came and had the summit meeting with President Clinton. Then all of a sudden we started finding that the Israeli delegation was empowered, at least to engage in a certain kind of negotiation. The first time that they started negotiating in the last year on the final status issues including the issue of refugees was two days, as I mentioned, after Mr. Ehud Barak came and later President Clinton.

What has happened since then? There had been an exchange of papers concerning the framework, an achievement in itself, because this was the first time that there were written documents being circulated between the two parties. In other words, there is really some movement in that direction but the gaps have been so great to that point that it would not give one much hope, but we could survive because we are peace lovers and this little hope may generate additional hopes in the future.

Encouraged by the fact that there is no representation whatsoever in this Conference from the United States, for a multitude of reasons, I guess, I feel like committing a special crime of praising the United States of America for the first time in my life by saying that had it not really been for the efforts of President Clinton and with the two summits that have been held in Washington, the first one with Mr. Barak, the second one with President Arafat, had it not been for the United States' efforts in this respect, we could have come to you here saying, in a concise manner, that there is nothing happening on the refugee track or on any of the final status negotiation issues. There is some movement. I do not want to spread hope or exaggerated hope, but there is some movement. There is a certain margin that the two delegations find in front of them and they are definitely willing to move along the space provided by that margin. However, I think the final outcome would be determined by time and by the future only. I sincerely hope we keep our fingers crossed that this small margin would get broader and broader, and on this positive note, I conclude.

## VI. CLOSING SESSION

### Presentation of the *Concluding Remarks* of the organizers of the Conference by the Vice-Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People

Today, we have come to an end of the two days of our deliberations. The Conference was a unique experience for the organizers. The three entities joined forces to address one of the most crucial aspects of the question of Palestine - the problem of Palestine refugees. We all clearly realized the magnitude and complexity of this issue. Our expectation was that, through the discussion of the various elements of this complex issue, the participants would be given an opportunity to offer their views as to how to work out a satisfactory and viable solution to the problem, based on international legitimacy. On behalf of the delegations of the organizers of the International Conference on Palestine Refugees, I would like to say how impressed we were with the quality, seriousness and openness of the deliberations.

Having listened to the most insightful, interesting presentations by all of our distinguished participants, the organizers felt they could make an effort to reflect the general thrust of the deliberations in their Concluding Remarks. I was requested by the Organization of the Islamic Conference and the League of Arab States to present these observations at this closing session of the Conference.

I now have the pleasure to present to you the text of the Concluding Remarks by the organizers of the International Conference on Palestine Refugees.

**[ CONCLUDING REMARKS ]**

The Concluding Remarks will be issued as a press release.

I wish once again to extend the most sincere gratitude of the organizers to all the participants, the representatives of donor and other Governments, the distinguished guests of the Conference, the United Nations system organizations, as well as intergovernmental and non-governmental organizations for making these two days productive and useful.

Allow me, in my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to express the Committee's gratitude to the Secretaries-General of the Organization of the Islamic Conference and the League of Arab States for their cooperation, close personal involvement in the organization of the Conference, and sharing the cost of the event.

Also, on behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Organization of the Islamic Conference and the League of Arab States, allow me to thank His Excellency Mr. Koichiro Matsuura, Director-General of UNESCO, and his staff for their active support of this Conference. And as always, I wish to thank the staff of the Division for Palestinian Rights of the United Nations Secretariat, as well as the United Nations Office at Vienna for their dedicated and tireless work and assistance to the organizers.

The full report of the Conference will be issued by its secretariat at United Nations Headquarters in New York.

## VII. CONCLUDING REMARKS OF THE ORGANIZERS

1. The International Conference on Palestine Refugees, held on 26 and 27 April 2000, at UNESCO Headquarters, Paris, was convened by the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Organization of the Islamic Conference and the League of Arab States to discuss the current situation of Palestine refugees, examine the role of the United Nations in finding a just solution to the refugee issue, analyse the question of Palestine refugees in the context of the current Middle East peace process and promote concerted political and other action in support of a lasting solution of the Palestine refugee problem in accordance with international legitimacy, as a prerequisite for a comprehensive, just and lasting peace and stability in the Middle East.

2. The organizers recalled that the question of Palestine refugees - today's longest-running humanitarian problem - remained unresolved. They noted that, on the threshold of the new millennium, some 3.7 million Palestine refugees, registered with UNRWA and scattered throughout the Middle East and beyond, continued to live in camps, many away from their homeland, denied their right of return and self-determination, with bleak economic prospects, their freedom of movement restricted, families separated, their hopes and aspirations for the future dependent on the outside world. The organizers stressed that the social and economic conditions of the refugees remained difficult and required urgent intervention on the part of the international community.

3. The Conference was held against the background of the ongoing Israeli-Palestinian negotiations on permanent status issues. The organizers welcomed progress made in the recent months by the two sides and called upon the parties to move the peace process forward towards the conclusion of the framework and final settlement agreements. They noted that the plight of Palestine refugees was among the permanent status issues being negotiated by the parties. It was emphasized, in this context, that a just solution to the question of Palestine and a lasting peace in the Middle East could not be achieved without a just and fair solution to the question of Palestine refugees.

4. The organizers recalled the significance of the multilateral process, launched in 1991 by the Madrid Peace Conference. The multilateral track of negotiations remained an essential part of the peace process. The Refugee Working Group, chaired by Canada since 1992, continues to play a useful supporting role.

5. The deliberations of the Conference demonstrated the strong support of the international community for efforts aimed at finding a solution to the question of Palestine refugees and displaced persons based on key United Nations resolutions, notably General Assembly resolutions 212 (III) of 19 November 1948; 194 (III) of 11 December 1948; 302 (IV) of 8 December 1949; and Security Council resolutions 237 (1967) and 242 (1967). In that connection, the organizers emphasized the permanent responsibility of the United Nations towards all aspects of the question of Palestine, including the problem of Palestine refugees until it is resolved in conformity with relevant United Nations resolutions and in accordance with international legitimacy.

6. The organizers reaffirmed that the right of return of Palestine refugees to their homes, as stipulated by the General Assembly in its resolution 194 (III) of 11 December 1948, remained a *conditio sine qua non* for the exercise by the Palestinian people of its inalienable rights to self-determination, national independence and sovereignty. They also stated that the provisions of General Assembly resolution 194 (III) and subsequent relevant United Nations resolutions remained valid and must be taken into full consideration in any final settlement of the question of Palestine. The organizers were of the view that the United Nations should continue to protect the natural and inalienable right of Palestinians to return to their homes and act as its guarantor, pending a comprehensive, just and lasting settlement of the question of Palestine.

7. The organizers reaffirmed the inalienable right of the Palestinian people to return to their land and property, abandoned as a result of the 1948 and 1967 hostilities. They considered the issue of refugee compensation to be an integral element of, but not a substitute for, their right of return. The organizers also took note of the views

expressed by the participants with respect to the importance of addressing the problem of compensation for the losses sustained by the refugees since 1948 in an adequate and just manner. In that regard, reference was made to the various compensation schemes that have been put forward over the years. The possibility of engaging international organizations, including the United Nations, on the issue of compensation was also raised.

8. The organizers expressed their gratitude for the invaluable assistance provided over decades by the United Nations system to Palestine refugees. They noted, in particular, the critical role played for over 50 years by UNRWA in assisting the refugees through the provision of humanitarian relief and social services. They called upon all Governments, including non-contributing Governments, to contribute to UNRWA's budget regularly in order to meet the anticipated needs of the Agency and intensify support for its activities. The organizers were of the view that, pending a final settlement, any reduction in the level of financing of UNRWA would inevitably lead to further exacerbation of the living conditions of the refugees. The international community should continue to support the vital activities of UNRWA until the question of Palestine refugees is resolved in accordance with relevant United Nations resolutions and international legitimacy.

9. The organizers were also grateful to countries which, for decades, have hosted Palestine refugees and displaced persons - the Hashemite Kingdom of Jordan, Lebanon, the Syrian Arab Republic, the Arab Republic of Egypt and other countries. For decades, they have been providing the much-needed humanitarian assistance and services to millions of refugees and have closely cooperated with UNRWA. It was noted that the provision of assistance by host countries to Palestine refugees for such a protracted period has put additional pressure on their economies. A view was expressed that the idea of absorption of Palestine refugees and displaced persons by host countries was not acceptable from the political, legal or socio-economic standpoints. It was also stressed that efforts at finding a solution to the problem of Palestine refugees should not ignore its political dimension.

10. The organizers noted with appreciation the role played by the co-sponsors of the peace process, the European Union and the international donor community in creating conditions on the ground conducive to the success of the peace process. The political support and vast economic assistance provided by members of the European Union and the international donor community to the Palestinian people are key to rehabilitating the Palestinian economy. This is a welcome and tangible contribution to facilitating the transition of Palestinian society to economic independence and statehood.

11. The organizers welcomed the participation in the Conference of H.E. Mr. Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization and President of the Palestinian Authority. They expressed deep appreciation for his untiring efforts and wise leadership in the quest for a peaceful solution of the question of Palestine, and a comprehensive, just and lasting peace in the Middle East in accordance with international legitimacy.

12. The organizers expressed gratitude to Mr. Kofi Annan, Secretary-General of the United Nations, for his support for the rights of the Palestinian people and for his continuing personal efforts in the search for peace and stability in the Middle East. They stressed the need for the further strengthening of cooperation among the United Nations, the Organization of the Islamic Conference and the League of Arab States towards the goal of achieving a comprehensive, just and lasting settlement of the question of Palestine.

13. The organizers expressed appreciation and gratitude to His Excellency Mr. Koichiro Matsuura, Director-General of UNESCO, for extending assistance in the preparations for the Conference, as well as for making available the conference facilities for this occasion.

*UNESCO Headquarters, Paris, 27 April 2000*

## VIII. LIST OF PARTICIPANTS

### Governments

| | |
|---|---|
| Afghanistan | Mehrabodin Masstan, Permanent Delegate to UNESCO<br>Adela Farhâdi, Adviser |
| Argentina | Lucio Garcia del Solar, Ambassador, Permanent Delegate to UNESCO<br>Maria Ruth de Goycoechea, Minister, Deputy Permanent Delegate<br>Claudia Zampieri, Counsellor |
| Austria | Gerhard A. Maynhardt, Minister Counsellor, Deputy Permanent Delegate to UNESCO |
| Bahrain | Sheikha Haya Rashed Al-Khalifa, Ambasssador, Permanent Delegate to UNESCO<br>Abdul Aziz Al Rifaei, Cultural Attaché, Deputy Permanent Delegate |
| Bangladesh | Nasima Halder, Minister, Embassy to France |
| Belgium | Rita Stubbe, Staff Member, Delegation to UNESCO |
| Bosnia and Herzegovina | Zeljko Jerkic, Permanent Delegate to UNESCO |
| Brazil | Joao Batista Lanari Bo, Counsellor<br>Ricardo Alonso Bastos, Counsellor |
| Canada | Isabelle Roy, First Secretary, Embassy to France |
| Chad | Samenh Bayan, Deputy Permanent Delegate |
| Chile | Samuel Fernández, Ambassador to Chile |
| China | Zhengde Huo, Counsellor, Embassy to France<br>Huo Zhengde, Political Counsellor, Embassy to France<br>Zhu Liying, Second Secretary, Embassy to France |
| Croatia | Drazen Karaman, Deputy Permanent Delegate to UNESCO |
| Cuba | Soledad Cruz Guerra, Ambassador, Permanent Delegate to UNESCO<br>Hector Hernandez Gonzalez, Minister Counsellor |
| Cyprus | Andreas Zenonos, Consul, Secretary A1, Embassy to France |
| Czech Republic | David Mašek, Representative, Embassy to France |
| Denmark | Jan Top Christensen, Deputy Head of Department, Ministry of Foreign Affairs |

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| Ecuador | Galo Galarza, Chargé d'affaires, Embassy to France<br>Rodrigo Riofrío, Minister, Embassy to France<br>Mauricio Montalvo, Minister |
| Egypt | Oussama El Baz, Political Counsellor to the President of the Republic<br>Aly Maher El Sayed, Ambassador to France<br>Omar Tahani, Ambassador to UNESCO<br>Hatem Seif El Nasr, Deputy Chief of Mission, Minister Plenipotentiary, Embassy to France<br>Nazih El Naggary, Third Secretary, Embassy to France<br>Fatma El Zahraa Etman, Vice Minister Plenipotentiary |
| France | Jean Felix-Paganon, Head of United Nations Department, Ministry of Foreign Affairs<br>Emmanuel Lenain, Secretary, Ministry of Foreign Affairs<br>Jean Hannoyer, Ministry of Foreign Affairs |
| Ghana | Harry Osei Blavo, Ambassador, Embassy to France<br>Ramses Cleland, Counsellor/Political Affairs |
| Greece | Christine Dodson, Member of the Executive Council, Greek Council for Refugees<br>Georgios Christides, Responsible for the Multilateral Negotiations of the Middle East Peace Process at the Centre for Mediterranean and Middle East Studies of Pantion University of Athens |
| Hungary | Balózs Bokor, Ambassador, Head of Department, Ministry of Foreign Affairs |
| Indonesia | Dadang Sukandar, Ambassador to France<br>M. Hamzah Thayeb, Counsellor in the Permanent Mission to the United Nations, New York<br>Moenir Ari Soenanda, Counsellor of the Embassy to France<br>Santoso Iman, Deputy Permanent Delegate to UNESCO |
| Ireland | Anne Webster, Counsellor<br>Brendan MacNamara |
| Iraq | Iyad M. Aflak, Counsellor |
| Iran (Islamic Republic of) | Ahmad Jalali, Ambassador, Permanent Delegate to UNESCO<br>Mohammad-Réza Kashani Khatib, Deputy Permanent Delegate<br>Gholamreza Ali Babaei, Counsellor of the Embassy to France |
| Italy | Gabriele Sardo, Ambassador, Permanent Delegate to UNESCO<br>Maria Pia Dradi, Adviser, Ministry of Foreign Affairs<br>Luigi Valier |
| Japan | Shozo Kamo, Assistant Attaché, Embassy to France |
| Jordan | Hasan Abu Nimah, Ambassador, Permanent Representative to the United Nations, New York<br>Bashar Abu Taleb |
| Kuwait | Al Baghli Taleb, Deputy Permanent Delegate to UNESCO |

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| Lao People's Democratic Republic | Khamliène Nhouyvanisvong, Acting Permanent Delegate |
| Lebanon | Antoine Jemha, Ambassador, Permanent Delegate to UNESCO<br>Carla Jazzar, Deputy Permanent Delegate<br>Bahjat Rizk, Delegate<br>Samia Moukarzel, Delegate<br>Jacques Kharter, Delegate<br>Fadia Nassif Tarkovacs, Counsellor<br>Dima Rifai, Counsellor |
| Libya Arab Jamahiriya | Mohamed Al Aswad, Ambassador, Permanent Delegate to UNESCO<br>Nureddin Ejledi, Counsellor of the Embassy to France |
| Malaysia | Hussein Ahman, Ambassador, Permanent Delegate to UNESCO<br>Sishir Das, Associate Delegate |
| Mauritius | Dilsmaad Uteem, Second Secretary |
| Morocco | Salah Eddine El Honsali, Deputy Permanent Delegate to UNESCO |
| Myanmar | U. Than Tun, Minister Counsellor, Deputy Permanent Delegate<br>U. Aung Myint, Second Secretary |
| Norway | Arne Bjornstad, First Secretary (Political Affairs)<br>Lizzie R. Dahm, Second Secretary (Cultural Affairs), Assistant Permanent Delegate to UNESCO |
| Oman | Jaffar Al-Said, Ambassador to France, current Chairman of the Regular Session of the Arab League Council<br>Mohamed Marron, First Secretary, Embassy to France<br>Kamal Hassan Macki, Deputy Permanent Delegate to UNESCO<br>Al-Makhoon Mohammed |
| Pakistan | Shaharyar M. Khan, Ambassador, Permanent Delegate to UNESCO<br>Aisha Farooqui, Deputy Permanent Delegate |
| Portugal | Jorge Da Silva Lopes, Counsellor, Embassy to France |
| Qatar | Abdul Rahman Al-Khulaifi, Ambassador to France<br>Ahmed Abdull Rahman Al Senidi, First Secretary, Embassy to France<br>Abdell Aziz Al Sebai, First Secretary, Embassy to France<br>Mohamed Awad, Administrative Attaché |
| Romania | Cioarec Traian, Second Secretary |
| Saudi Arabia | Abdulaziz S. Bin Salamah, Ambassador, Permanent Delegate to UNESCO<br>Abdullah Al Fozan, Counsellor, Embassy to France<br>Ojjeh Louay |
| Senegal | Modou Guèye, Counsellor, Permanent Delegation to UNESCO |

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| Singapore | Thambynathan Jasudasen, Ambassador to France<br>Charles Chew, Second Secretary, Embassy to France |
| South Africa | Te Skweyiya, Ambassador to France |
| Spain | Jesús Ezquerra, Ambassador, Permanent Delegate to UNESCO<br>Gonzalo de Salazar, Secretary, Embassy to France |
| Sudan | Eltigani Fidail, Ambassador, Permanent Delegate to UNESCO<br>Ahmed Hamid Elfaki Hamid, Minister Plenipotentiary, Deputy Permanent Delegate<br>Mohamed Ibrahim Mohamed, Second Secretary, Deputy Permanent Delegate |
| The former Yugoslav Republic of Macedonia | Jadranka Causevska, Second Secretary |
| Tunisia | Mongi Bousnina, Ambassador, Permanent Delegate to UNESCO<br>Mokhtar Hamdi, Counsellor<br>Zohra Ladgham, Counsellor |
| Turkey | Turhan Firat, Permanent Delegate of Turkey to UNESCO |
| Ukraine | Anatoli Zlenko, Ambassador to France, Permanent Delegate to UNESCO<br>Olexandr Dem'Yanyuk, Deputy Permanent Delegate to UNESCO<br>Yevhen Razdorozhniy, Third Secretary, Embassy to France |
| United Arab Emirates | Hussein Obaid Ghubash, Ambassador, Permanent Delegate to UNESCO<br>F. Kammah |
| United Kingdom | Paul Arkwright, First Secretary, Embassy to France |
| Uruguay | Pedro Mo Amaro, Deputy Permanent Delegate |
| Viet Nam | Pham Sanh Chau, Ambassador, Permanent Delegate to UNESCO |
| Yemen | Abdallah Yahya El-Zine, Ambassador to France<br>Ali Zaid, Deputy Permanent Delegate to UNESCO |

## Non-member States maintaining permanent observer missions at Headquarters

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| Holy See | Msgr. Angelo Becciu, Counsellor of the Apostolic Nunciature to France |
| Switzerland | Denis Feldmeyer, Ambassador, Permanent Delegate to UNESCO |

## Other organizations having received a standing invitation to participate as observers in the sessions and the work of the General Assembly and maintaining permanent observer missions at Headquarters

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| Palestine | Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization, President of the Palestinian Authority<br>Nabeel Shaath, Minister for Planning and International Cooperation, Palestinian Authority<br>Leila Shaheed, Ambassador, General Delegate to France<br>Ahmad Abdelrazek, Ambassador, Permanent Observer to UNESCO<br>Ahmad Dari, Deputy Permanent Delegate<br>Abdalrahim Alfarra, Counsellor<br>Issa Wachill, Counsellor<br>Mohammad Yalcoub, Counsellor<br>Riyad Haigar, Responsible of Information to the Delegation<br>Safwat Ibraghith |

## Representative of the Secretary-General of the United Nations

Kieran Prendergast, Under-Secretary-General for Political Affairs

## Delegation of the Committee on the Exercise of the Inalienable Rights of the Palestinian People

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| Bruno Rodríguez Parrilla | Permanent Representative of Cuba to the United Nations, Vice-Chairman of the Committee and Head of Delegation |
| Ravan A.G. Farhâdi | Permanent Representative of Afghanistan to the United Nations, Vice-Chairman of the Committee |
| Walter Balzan | Permanent Representative of Malta to the United Nations, Rapporteur of the Committee |
| Sotirios Zackheos | Permanent Representative of Cyprus to the United Nations |
| M. Nasser Al-Kidwa | Permanent Observer of Palestine to the United Nations |

## Speakers

As'ad Abdul Rahman
Member of the Executive Committee of the Palestine Liberation Organization,
Head of the Refugees Department, Ramallah

Salman H. Abu-Sitta
Researcher, former member of the Palestine National Council, Kuwait

Susan M. Akram
Associate Professor, Boston University School of Law, Boston

Uri Avnery
Journalist, writer, peace activist
Chairperson of Gush Shalom, Tel Aviv

Lionel Brisson
Director of Operations, representative of the Commissioner-General, UNRWA

Mustapha Djemali
Director of the Regional Bureau for Central Asia, South-West Asia, North Africa and the Middle East,
Office of the United Nations High Commissioner for Refugees, Geneva

Osama El-Baz
Political Advisor to the President of the Arab Republic of Egypt

Hussein Hassouna
Permanent Observer for the League of Arab States to the United Nations, New York

Yossi Katz
Member of Knesset (Labour), Tel Aviv

Don Peretz
Professor Emeritus, Binghamton University, New York

Laura Reanda
Former United Nations official, consultant, New York

Terry Rempel
Coordinator of research, BADIL Resource Centre for Palestinian Residency and Refugee Rights, Jerusalem

Andrew Robinson
Special Coordinator, Middle East Peace Process, Department of Foreign Affairs and International Trade, Ottawa

Karin Roxman
Political Adviser to the Special Envoy of the European Union to the Middle East Peace Process, Brussels

**Henry Siegman**
**Director, United States/Middle East Project,** Council on Foreign Relations, New York

**Alexander Zassypkin**
**Head of the Middle East Peace Process Desk,** Middle East and North Africa Department,
**Ministry of Foreign Affairs of the Russian Federation,** Moscow

## United Nations organs, agencies and bodies

| | |
|---|---|
| **UNESCO** | **Ahmed Sayyad,** Assistant Director-General, representative of the Director-General of UNESCO<br>**Omar Massalha,** Director, Coordination Unit for Assistance to the Palestinian People<br>**Hubert van Houtte,** Ambassador, Permanent Delegate to UNESCO<br>**Tery Channessian** |
| **UNHCR** | **Mustapha Djemali,** Director of the Regional Bureau for Central Asia, South-West Asia, North Africa and the Middle East<br>**Mohamed Dayri,** Senior Legal Adviser, Central Asia, South-west Asia, North Africa and Middle East Bureau |
| **UNIC** | **Hassen Fodha,** Director |
| **UNRWA** | **Lionel Brisson,** Director of Operations, Representative of the Commissioner-General |

## Intergovernmental organizations

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| **League of Arab States** | **Said Kamal,** Under-Secretary-General for Palestinian Affairs, Representative of the Secretary-General<br>**Hussein Hassouna,** Ambassador, Permanent Observer to the United Nations, New York<br>**Nasif Haty,** Chief, Mission in Paris<br>**Marwah Adib Gaber,** Director, Department of Palestinian Affairs<br>**Suhayr Hafez,** Mission in Paris |
| **Organization of the Islamic Conference** | **Azeddine Laraki,** Secretary-General<br>**Abdelaziz Abougosh,** Ambassador, Assistant Secretary-General<br>**Ahmed Taib,** Adviser to the Secretary-General<br>**Bilal Sasso,** Director of Protocol and Public Relations<br>**Rabie Osama Bsieso,** Jerusalem and Palestine Department |

## Special guests

Talal Abu Ghazaleh
Dr. Khalil Shtewi
Ali Gawhar Al Jammali, Head of the Palestinian Consultative Council, Egypt (Arab League)
Sayadi Olivier

## Non-governmental organizations

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|---|---|
| Al-Haq/West Bank Affiliate ICJ-Geneva<br>Ramallah, West Bank | Mohammed Abu-Havthieh, General Director |
| Association Iceland-Palestine<br>Reykjavik, Iceland | Salman Tamimi |
| Association Médicale Franco-Palestinienne<br>Marseille, France | Pierre-Alexandre Orsoni |
| Association Médicale Franco-Palestinienne<br>Paris | Jean-Marie Lambert<br>Jean-Luc Ordronneau<br>Jean Jacques Ughetto |
| Association Najdeh<br>Beirut | Moyassar Tah |
| Association of Palestinian Academics<br>Gaza Strip | M.M. Nairab |
| Canadian Auto Workers Union<br>Toronto | Mohamad Alsadi |
| CEPAL<br>Ontario | Maysa Jalbout |
| Centre for Mediterrean and Middle Eastern Studies<br>Athens | George Christidis, Researcher |
| Centre for Studies and Research on the Contemporary Middle East<br>(Centre for International Studies and Research)<br>(CERI/CERMOC French Research Centres)<br>Amman; Paris | Jean-Christophe Augé, Researcher |
| Dutch Palestine Committee<br>Amsterdam | Wim Lankamp |
| Federación Palestina del Perú | César A. Salomóa Herrada, Secretary-General |

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| General Union of Palestinian Women<br>Gaza Branch | Naiima Issa |
| General Union of Palestinian Women<br>Lebanon Branch | Amneh Suleiman |
| General Union of Palestinian Women<br>Lebanon Branch<br>Ramallah, West Bank | Naicemeh Sheikh Ali |
| GLR<br>Greece | Christine Dodson, Treasurer |
| GREF - Groupement des Retraités Educateurs sans Frontières<br>Paris | Yvonne Perrault |
| Gush Shalom<br>Tel Aviv | Rachel Avnery |
| International Coordinating Committee for NGOs on the Question of Palestine (ICCP)<br>Edmond, OK | Don Betz |
| International Federation of Red Cross and Red Crescent Societies<br>Petit-Sacounex, Switzerland | Barbara Petersen |
| International Jewish Peace Union, IJPU<br>Paris<br>Tel Aviv | Maxim Ghilan |
| International Observatory for Palestinian Affairs<br>Lausanne, Switzerland | François-Xavier Tregan |
| International Social Science Council (ISSC)<br>Paris | Deborah Levy |
| Lutfia Rabbani Foundation | Mahmoud S. Rabbani, Chairman |
| Medical Aid for Palestine<br>Montreal | Edmond Omran, President |
| Mercy Corps International, Lebanon Field Office<br>Beirut | Irene Lorfing |

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| Najdeh Association | Moyassar Faha |
| National Institution of Social Care<br>and Vocational Training | Kassem Aina |
| Oxfam Great Britain<br>Jerusalem | Joyce Ajlouny |
| Oxfam Solidariteit<br>Brussels, Belgium<br>and<br>BADIL<br>Bethlehem | Teuwen Hilt<br>Katrien van Eeckhaut |
| Palestine Red Crescent Society<br>El Bireh, West Bank | Rafic Khouri |
| Palestinian Broadcasting Corporation<br>Radio of Palestine | Samir Imtair Suleiman Aldarabee |
| Palestinian Centre for Human Rights<br>Gaza City, Gaza Strip | Marianne Elliott |
| Palestinian Council for Justice and Peace<br>Ramallah, West Bank | Marie Abdul Rahman<br>General Secretary |
| Palestinian/European/American Cooperation<br>in Education (PEACE) Programme<br>Paris | Karimeh Shomali<br>Teny Ohannessian |
| Palestinian PEN Centre<br>Jerusalem | Hanan Awwad<br>Christine Lane<br>Shehab Mohammad |
| Palestinian Working Women Society (PWWS)<br>East Jerusalem | Rufaida Mikdadi |
| Plateforme des ONG Françaises pour la Palestine<br>Paris | Emmanuelle Bennani-Caillouët |
| Save the Children Sweden<br>Jerusalem | Ghada Suleiman Yassin |
| Society for Austro-Arab Relations<br>Vienna | Fritz Edlinger, Secretary-General |

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| Women's International League for Peace and Freedom<br>Geneva | Simone Landry |
| World Alliance of YMCAs<br>Geneva | Ranjan Solomon |
| World Student Christian Federation<br>Grand-Saconnex, Switzerland | Christophe Lomon |

## Media

| | |
|---|---|
| freelance journalist | Takako Nakajima |
| Agence France - Presse | Adnane Zaka |
| Agence Presse des Emirats Arabes Unies WEESSA | |
| *Al Ahram newspaper* | Chérif El Showbashy |
| APTN – Associated Press TV News | Jeffrey Schaeffer<br>Catherine Gaschka<br>Angela Doland<br>Salima Gourari<br>Patrick Tranvovez |
| Associated Press | Jacques Brinon<br>Giansetto Bernard |
| EBA | Adali Muzaffek |
| *La Dépêche Veterinaire* | Jean Hubert Stourm |
| M.E.N.A. | Hassan Abdalla |
| Nord Sud Export Groupe Le Monde | Agnès Levallois |
| *Perspectives Économiques* | Monique Pelissier |
| Radio Orient Paris | Mona Es-Said<br>Al Mostakbel |
| URTE-TV Egyptienne | Hazem Foda |